



S.I. No. 496 of 1997

BUILDING CONTROL REGULATIONS 1997

REVISED

Updated to 1 January 2017

This Revised Statutory Instrument is an administrative consolidation of *Building Control Regulations 1997*. It is prepared by the Law Reform Commission in accordance with its function under *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Courts Act 2016* (22/2016), enacted 28 December 2016, and all statutory instruments up to and including *Courts Act 2016 (Commencement) Order 2017* (S.I. No. 1 of 2017), made 6 January 2017, were considered in the preparation of this Revised Statutory Instrument.

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Introduction

This Revised Statutory Instrument presents the text of the instrument as it has been amended, and preserves the format in which it was made.

Related legislation

Building Control Regulations 1997 to 2015: this statutory instrument is one of a group of statutory instruments included in this collective citation, to be construed together as one (*Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 1(2)). The instruments in this group are:

- *Building Control Regulations 1997* (S.I. No. 496 of 1997)
- *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000)
- *Building Control (Amendment) Regulations 2004* (S.I. No. 85 of 2004)
- *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009)
- *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013)
- *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014)
- *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014)
- *Building Control (Amendment) Regulations 2015* (S.I. No. 243 of 2015)
- *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015)

Annotations

This Revised Statutory Instrument is annotated and includes textual and non-textual amendments and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this statutory instrument, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1997, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Euro Changeover (Amounts) Act 2001* (16/2001)

All Acts up to and including *Courts Act 2016* (22/2016), enacted 28 December 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015)
- *Building Control (Amendment) Regulations 2015* (S.I. No. 243 of 2015)
- *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014)
- *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014)
- *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013)
- *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009)
- *Building Control (Amendment) Regulations 2004* (S.I. No. 85 of 2004)
- *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000)

All statutory instruments up to and including *Courts Act 2016 (Commencement) Order 2017* (S.I. No. 1 of 2017), made 6 January 2017, were considered in the preparation of this revision.



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PART I

PRELIMINARY AND GENERAL

Article

1. Citation.
2. Commencement.
3. Application.
4. Revocation.
5. Interpretation.
6. Exemptions.
- 6A. Offences.

PART II

**COMMENCEMENT NOTICES AND CERTIFICATES OF COMPLIANCE
BEFORE CONSTRUCTION**

7. Application of Part II.
8. Obligation to give notice.
- 8A. Exception to obligation to give notice.
9. Form of commencement notice.
10. Procedure on receipt of notice.

PART III

FIRE SAFETY CERTIFICATES

11. Application of Part III.
12. Obligation to obtain a certificate.

- 13. Form of application.
- 14. Procedure on receipt of application.
- 15. Consideration of application.
- 16. Revised plans.
- 17. Decision on application.
- 18. Grant of certificate.
- 19. Refusal of certificate.
- 20. Right of appeal.

PART IIIA

7 DAY NOTICE, CERTIFICATES OF COMPLIANCE, REVISED FIRE
SAFETY CERTIFICATE, REGULARISATION CERTIFICATE, STATUTORY
DECLARATION AND 7 DAY NOTICE STATUTORY DECLARATION

- 20A. 7 Day Notice.
- 20B. Revised Fire Safety Certificate.
- 20C. Regularisation Certificate.

PART IIIB

DISABILITY ACCESS CERTIFICATES AND REVISED DISABILITY ACCESS
CERTIFICATES

- 20D. Disability Access Certificate.
- 20E. Revised Disability Access Certificate.

PART IIIC

CERTIFICATE OF COMPLIANCE ON COMPLETION

- 20F. Certificate of Compliance on Completion.
- 20G. Code of Practice for Inspecting and Certifying Buildings and Works.

PART IV

THE REGISTER

- 21. Register.

PART V

FEEES

- 22. Exemptions.
- 23. Requirement to pay fee.
- 24. Standard fee.
- 25. Fee for alternative proposals.

26. Refund of fee in case of certain repeat applications.

PART VI

APPEALS

27. Provisions as to making of appeal.

28. Time for appeal etc.

29. Observations on appeal.

30. Documents, information etc. in relation to appeal.

31. Power of Board to request submissions or observations.

32. Power of Board to require submission of documents etc.

33. Power of the Board where notice served under article 31 or 32.

34. Convening of meetings.

35. Time for determination of appeal.

36. Powers of the Board to declare appeal withdrawn.

37. Board may dismiss appeal if vexatious etc.

38. Inspections and reports.

39. Matters to be considered when determining an appeal.

40. Determination of appeal.

41. Notification by Board of decision on appeal.

42. Issue of fire safety certificate, revised fire safety certificate, regularisation certificate, disability access certificate or revised disability access certificate.

43. Prohibition on opening, operation or occupation of buildings.

FIRST SCHEDULE

REGULATIONS REVOKED

SECOND SCHEDULE

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT AND
FORMS OF CERTIFICATES OF COMPLIANCE REQUIRED BEFORE
CONSTRUCTION COMMENCES

THIRD SCHEDULE

FORM OF APPLICATION FOR A FIRE SAFETY CERTIFICATE

FOURTH SCHEDULE

FORM OF FIRE SAFETY CERTIFICATE

FIFTH SCHEDULE

FEEES

[No. 496.]

Building Control Regulations
1997

[1997.]

SIXTH SCHEDULE

CERTIFICATE OF COMPLIANCE ON COMPLETION



S.I. No. 496 of 1997

BUILDING CONTROL REGULATIONS 1997

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Updated to 1 January 2017

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 4, 6, 7 and 18 of the Building Control Act, 1990 (No. 3 of 1990), hereby makes the following Regulations:—

PART I

PRELIMINARY AND GENERAL

- Citation. **1.** These Regulations may be cited as the Building Control Regulations, 1997.
- Commencement. **2.** These Regulations shall come into operation on the 1st day of July, 1998.
- Application. **3.** (1) *Part II*, subject to the provisions of that Part, applies to works, or a building as regards which a material change of use takes place, where the works commence or the material change of use takes place on or after the date referred to in article 2.
- (2) *Part III*, subject to the provisions of that Part, applies to works, or a building as regards which a material change of use takes place, where—
- (a) the works commence or the material change of use takes place on or after the date referred to in *article 2*, and
- (b) *Part III* of the Building Control Regulations, 1991 and 1994, does not apply in relation to the works or building.
- (3) *Part IV* applies in relation to—
- (i) notices given to, applications made to, decisions made by, and enforcement notices served by, a building control authority,
- (ii) determinations made by An Bord Pleanála, and
- (iii) decisions made by a District Court,
- as appropriate, on or after the date referred to in *article 2*.
- (4) *Part V*, subject to the provisions of that Part, applies to—

- (a) applications or notices,
- (b) appeals, or
- (c) copies of documents referred to in *article 23(3)*,

which are made, given or requested, as the case may be, on or after the date referred to in *article 2*.

F1[(5) (a) *Parts IIIA* and *Parts IIIB*, subject to the provisions of those Parts, apply to works or a building as regards which a material change of use takes place, where the works commence or the material change of use takes place on or after the date those Parts come into effect.

(b) *Subparagraph (a)* does not apply to *Article 20C*.]

F2[(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.

(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.]

Annotations

Amendments:

- F1** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 3, in effect as per art. 2.
- F2** Inserted (1.03.2014) by *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014), art. 4, in effect as per art. 2.

Revocation.

4. (1) The regulations specified in the First Schedule are hereby revoked.

(2) Notwithstanding sub-article (1), Part III of the Building Control Regulations, 1991 and 1994, shall, subject to the provisions of those regulations, continue to apply in relation to works, or a building as regards which a material change of use takes place, where—

- (a) an application for a fire safety certificate in respect of the works or the building under those regulations is made before the date referred to in article 2, and
- (b) the application is granted, and
- (c) the works commence or the material change of use takes place between the date referred to in article 2 and the 31st day of December, 2002.

Interpretation.

5. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.

(2) In these Regulations, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

(3) In these Regulations, a reference to any enactment shall be construed as a reference to that enactment as amended or adapted by any subsequent enactment.

F3[(4) In these Regulations, save where the context otherwise requires—

“the Act” means the Building Control Act 1990 (No. 3 of 1990) as amended by the Building Control Act 2007 (No. 21 of 2007);

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, the use of land for turbary, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

“appeal” means an appeal to the Board under section 7(1)(a), 7(1)(b), 7(1)(d) or 7(1)(e) of the Act;

“application” means—

- (a) an application under section 4 of the Act for a dispensation from, or a relaxation of, a requirement of Building Regulations,
- (b) an application for a fire safety certificate,
- (c) an application for a revised fire safety certificate,
- (d) an application for a regularisation certificate,
- (e) an application for a disability access certificate, or
- (f) an application for a revised disability access certificate.

“the Board” means An Bord Pleanála;

“building control authority” means a building control authority as defined in section 2 of the Act;

F4[“Building Control Management System” means the information technology-based system hosted by the Local Government Management Agency and developed to facilitate the electronic administration of building control matters by building control authorities as the preferred means of building control administration;]

“Building Control Regulations, 1991 and 1994” means the Building Control Regulations, 1991 (S.I. No. 305 of 1991) as amended by the Building Control (Amendment) Regulations, 1994 (S.I. No. 153 of 1994);

“Building Regulations” means the Building Regulations, 1997;

“commencement notice” means a notice referred to in section 6(2)(k) of the Act;

F5[“company” means a company to which the provisions of the Companies Act 2014 apply, or a company or a body corporate incorporated in another state;]

F4[“Certificate of Compliance” means a certificate of compliance provided for under section 6(2)(a)(i) of the Act of 1990 and includes—

- (i) Certificates of Compliance (Design),
- (ii) Certificates of Compliance (Undertaking by Assigned Certifier),
- (iii) Certificates of Compliance (Undertaking by Builder), and
- (iv) Certificates of Compliance on Completion;]

“day centre” means a building used for the provision of treatment or care to persons where such persons do not stay overnight and includes a day care centre, a pre-school, a creche, and a day nursery;

“disability access certificate” means a certificate referred to in section 6 (2)(a)(ix) of the Act;

“dispensation or relaxation” means a dispensation or a relaxation, under section 4 of the Act, from or of, as the case may be, any requirement of regulations made under section 3 of the Act;

“domestic garage” means a building ancillary to a dwelling which is used, or suitable for use, for the storage of a motor vehicle or vehicles and is not used for the purposes of any trade or business;

“drainage system” in relation to a building, means the system of pipes and drains used for the drainage of the building, including all other fittings, appliances and equipment so used but excluding subsoil water drains;

“an enforcement notice” means a notice served under section 8 of the Act;

“fire safety certificate” includes a certificate referred to in section 6(2)(a)(ii) of the Act;

“flat” means separate and self-contained premises constructed or adapted for residential use and forming part of a building from some other part of which it is divided horizontally;

“guest building” means a building (other than a hotel or hostel) providing overnight guest accommodation for reward, and includes a guesthouse;

“industrial building” includes a factory or other premises used for manufacturing, altering, repairing, cleaning, washing, breaking-up, adapting or processing any article, generating power or slaughtering livestock;

“institutional building” includes a hospital, nursing home, home for old people or for children, school or other similar establishment used as living accommodation or for the treatment, care or maintenance of persons suffering from illness or mental or physical disability or handicap, where such persons sleep on the premises;

“material alteration” means an alteration (other than a repair or renewal), where the work, or any part of the work, carried out by itself would be subject to a requirement of Part A or B of the Second Schedule to the Building Regulations;

“material change of use” means—

- (a) a change of use, deemed by section 3(3) of the Act to be a material change of use, takes place, or

(b) a building which was not being used as—

- (i) a day centre, becomes so used, or
- (ii) a hotel, hostel or guest building, becomes so used, or
- (iii) an industrial building, becomes so used, or
- (iv) an institutional building, becomes so used, or
- (v) an office (which is not ancillary to the primary use of the building), becomes so used, or
- (vi) a place of assembly, becomes so used, or
- (vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or
- (viii) a shopping centre, becomes so used;

“minor works” means works consisting of the installation, alteration or removal of a fixture or fitting, or works of a decorative nature;

“office” includes premises used for the purpose of administrative or clerical work (including writing, book keeping, sorting papers, filing, typing, duplicating, machine calculating, drawing and the editorial preparation of matter for publication, handling money (including banking and building society work) or telephone system operation);

F6[“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;]

“party” means a party to an appeal, namely—

- (a) the appellant,
- (b) the building control authority against whose decision an appeal is made, and “parties” shall be construed accordingly;

“place of assembly” includes—

- (a) a theatre, public library, hall or other building of public resort used for social or recreational purposes,
- (b) a non-residential school or other educational establishment,
- (c) a place of public worship,
- (d) a public house, restaurant or similar premises used for the sale to members of the public of food or drink for consumption on the premises,

but no building shall be treated as a place of assembly solely because it is a building to which members of the public are occasionally admitted;

“register” means a register pursuant to article 21 of these Regulations;

“regularisation certificate” means a certificate referred to in section 6(2)(a)(vii) of the Act;

“repair or renewal” means works of maintenance or restoration of a routine nature relating to—

- (a) the keeping of a building in good condition or working order, or
- (b) the return of the fabric of a building to its original condition;

“revised disability access certificate” means a certificate referred to in section 6(2)(a)(x) of the Act;

“revised fire safety certificate” means a certificate referred to in section 6(2)(a)(vi) and section 6(2)(a)(x) of the Act;

“shop” includes a building used for retail or wholesale trade or business (including retail sales by auction, self-selection and over-the-counter wholesale trading, the business of lending books or periodicals for gain and the business of a barber or hairdresser) and premises to which the public is invited to deliver or to collect goods in connection with their hire, repair or other treatment, or where they themselves may carry out such repairs or other treatments;

“shopping centre” includes a building which comprises a number of individually occupied premises to which common access is provided principally for the benefit of shoppers;

“State authority” means any authority being—

(a) a Minister of the Government, or

(b) the Commissioners of Public Works in Ireland;

“statutory declaration” means a statutory declaration referred to in section 6(2)(a)(vii) of the Act;

F5[“total floor area” as referred to under *Articles 9(2)(b), 20A(2)(b)(ii) and 20F(2)(b)* in the context of an extension to a dwelling refers only to the total floor area of the proposed extension as described in the commencement notice]

“works” includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building;

“7 day notice” means a notice referred to in section 6(2)(a)(iv) of the Act;

“7 day notice statutory declaration” means a statutory declaration referred to in section 6(2)(a)(v) of the Act.]

(5) In these Regulations, a reference to the carrying out of works on behalf of a State authority shall, where the authority is a Minister of the Government, be construed as including a reference to the carrying out of works by the Commissioners of Public Works in Ireland on his behalf.

(6) Where a requirement of or under these Regulations requires submissions or observations to be made, or plans, documents, particulars or other information to be submitted to the Board within a specified period and the last day of that period is a Saturday, a Sunday, a public holiday F7[(within the meaning of the *Organisation of Working Time, Act 1997*)] or any other day on which the offices of the Board are closed, the submissions or observations, or plans, documents, particulars or other information (as the case may be) shall be regarded as having been received before the expiration of that period if received by the Board on the next following day on which the offices of the Board are open.

F8[(7)(a) For the avoidance of doubt, these regulations do not prevent an owner when completing, as required, a Notice of Assignment of Builder as set out in the *Second or Third Schedules* as appropriate, from taking on the role of the builder for the purposes of these regulations. The owner shall then also sign the form of Undertaking by the Builder and, where applicable, *Part A — Certificate* by the Builder — of the Certificate of Compliance on Completion.

(b) Where the assigned builder is a building company, the form of Undertaking by the Builder and *Part A — Certificate* by the Builder — of the Certificate of Compliance on Completion shall be signed by a Principal or a Director of

the Building Company. These forms shall not be signed by an ordinary employee of the building company.]

Annotations

Amendments:

- F3** Substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 4(3), in effect as per art. 2.
- F4** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 4, in effect as per art. 2.
- F5** Inserted (1.09.2015) by *Building Control (Amendment) (No.2) Regulations 2015* (S.I. No. 365 of 2015), art. 4(a) and (b), in effect as per art. 2.
- F6** Inserted (1.03.2014) by *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014), art. 5, in effect as per art. 2.
- F7** Substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 4, in effect as per art. 2.
- F8** Inserted (1.09.2015) by *Building Control (Amendment) (No.2) Regulations 2015* (S.I. No. 365 of 2015), art. 4(c), in effect as per art. 2.

Editorial Notes:

- E1** Para. (4) amended (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 3(3), in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

Exemptions.

6. For the purposes of these Regulations, works or a building as regards which a material change of use takes place in respect of the following, are exempted from the Regulations—

(a) F9[...]

(b) works in connection with—

- (i) a Garda station or other building used for the purposes of or in connection with the operations of An Garda Síochána,
- (ii) a courthouse,
- (iii) a barrack or other building used for the purposes of or in connection with the operations of the Defence forces,
- (iv) an office or other building used for the purposes of or in connection with the business of Uachtarán na Éireann, Dail Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions,

provided that after the works the building is or continues to be a building referred to in *sub-paragraphs (i) to (iv)*.

(c) works, or a building as regards which a material change of use takes place, where the works are carried out or the material change of use is made, for reasons of national security—

- (i) within, or bounding, the curtilage of any building (other than a building referred to in *paragraph (b)*), premises or other installation occupied by, or under the control of, a State authority,
- (ii) by or on behalf of a State authority, within, or bounding, the curtilage of the residence of a holder, or former holder, of a public office or any other public servant or former public servant.

F10[(d) a building referred to in paragraph (b).]

Annotations

Amendments:

- F9** Deleted (1.09.2015) by *Building Control (Amendment) (No.2) Regulations 2015* (S.I. No. 365 of 2015), art. 5(a), in effect as per art. 2.
- F10** Substituted (1.09.2015) by *Building Control (Amendment) (No.2) Regulations 2015* (S.I. No. 365 of 2015), art. 5(b), in effect as per art. 2.

F11[Offences

6A. Failure to comply with any requirement under *Parts II, III, IIIA, IIIB or IIIC* shall be an offence to which section 17(2) of the Act of 1990 applies.]

Annotations

Amendments:

- F11** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 5, in effect as per art. 2.

Editorial Notes:

- E2** Previous affecting provision: art. 6A inserted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), reg. 4, in effect as per reg. 2; revoked on same date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

F12[PART II —

COMMENCEMENT NOTICES AND CERTIFICATES OF COMPLIANCE BEFORE
CONSTRUCTION]

Annotations

Amendments:

- F12** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 6, in effect as per art. 2.

Editorial Notes:

- E3** Previous affecting provision: title of part 2 substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 5, in effect as per art. 2; revoked on same date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

Application of
Part II.

7. (1) Subject to *sub-article (2)* and *articles 3* and *6*, this Part applies to—

- (a) the erection of a building,
- (b) the material alteration or extension of a building, and
- (c) a material change of use of a building,

to which the Building Regulations apply.

(2) (a) Subject to *paragraph (b)*, this Part shall not apply to works or a building as regards which a material change of use takes place, where—

- (i) the works are or the material change of use is exempted development for the purposes of the Local Government (Planning and Development) Acts, 1963 to 1993), and
- (ii) Part III, or Part III of the Building Control Regulations, 1991 and 1994, do not apply to the works or building.

(b) This Part applies to works in connection with the material alteration (excluding a material alteration consisting solely of minor works) of a shop, office or industrial building to which Part III, or Part III of the Building Control Regulations, 1991 and 1994, do not apply.

Obligation to give
notice.

8. A person who intends to carry out any works, or to make a material change of use as regards a building to which this Part applies, shall give, to the building control authority in whose functional area the works or building are, is or will be situated, notice in writing of such intention (in these Regulations referred to as a “commencement notice”) not less than fourteen days and not more than twenty-eight days before the commencement of the works or the making of the material change of use.

F13[Exception to
obligation to give
notice

8A A commencement notice under *article 8* shall not be required in respect of works or a building in respect of which a 7 day notice is required under *article 20A(1)*.]

Annotations

Amendments:

F13 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 5, in effect as per art. 2.

Editorial Notes:

E4 The article heading is taken from the inserted provision in the absence of one included in the amendment.

F14[Form of
Commencement
Notice

9. (1) A commencement notice shall be—

(a) filed electronically on the Building Control Management System or set out in the form for that purpose included in the Second Schedule, and

(b) subject to *paragraph (2)*, accompanied by—

(i) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the

requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned, and including—

- (I) general arrangement drawings including plans, sections and elevations,
 - (II) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,
 - (III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,
 - (IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and
- (ii) the following certificates and notices in the appropriate forms set out in the Second Schedule—
- (I) a Certificate of Compliance (Design),
 - (II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
 - (III) a Certificate of Compliance (Undertaking by Assigned Certifier),
 - (IV) a Notice of Assignment of Builder,
- F15[(V) a Certificate of Compliance (Undertaking by Builder).]

(iii) F16[...]

F17[(c) such fee as is required under *Part V*.]

F18[(2) Subject to *paragraph (5)*, the requirements of *paragraph (1)(b)* shall apply to the following works and buildings—

- (a) the design and construction of a new dwelling,
- (b) an extension to a dwelling involving a total floor area greater than 40 square metres,
- (c) works to which *Part III* applies.]

(3) If, for whatever reason, having submitted the commencement notice in respect of works or a building subject to *paragraph (1)(b)*, a building owner changes either the person assigned to inspect and certify the works or the assigned builder, then the building owner shall within 14 days notify the building control authority of the change by submitting, electronically or otherwise, the appropriate notices of assignment and forms of undertaking referred to under *paragraph (1)(b)* reflecting the up-to-date arrangements in this regard.

(4) If, for whatever reason, a change of ownership of works or a building subject to *paragraph (1)(b)* occurs prior to completion, the new owner shall within 14 days notify the building control authority electronically or otherwise that they are now the owner of the building or the works.]

F19[(5) Notwithstanding the provisions of *subparagraphs (2)(a)* and *(2)(b)*, in the case of a new single dwelling, on a single unit development, or an extension to a dwelling, a commencement notice may, as an alternative to the requirements at *subparagraphs (1)(b)(i)(IV)*, *(1)(b)(ii)(I)*, *(1)(b)(ii)(II)*, *(1)(b)(ii)(III)* and *(1)(b)(ii)(V)* be accompanied by a Declaration of Intention to Opt Out of Statutory Certification. This declaration shall be made by the owner via the Building Control Management System or on the appropriate form set out for that purpose in the Second Schedule.]

Annotations**Amendments:**

- F14** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 7, in effect as per art. 2.
- F15** Substituted (1.03.2014) by *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014), art. 6(a), in effect as per art. 2.
- F16** Deleted (1.03.2014) by *Building Control (Amendment) (No.2) Regulations 2014* (S.I. No. 105 of 2014), art. 6(b), in effect as per art. 2.
- F17** Inserted (1.03.2014) by *Building Control (Amendment) (No. 2) Regulations 2014* (S.I. No. 105 of 2014), art. 6(c), in effect as per art. 2.
- F18** Substituted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 6(a), in effect as per art. 2.
- F19** Inserted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 6(b), in effect as per art. 2.

Editorial Notes:

- E5** Previous affecting provision: art. 9 substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 3(3), in effect as per art. 2; revoked on same date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

Procedure on
receipt of notice.

10. (1) On receipt of a commencement notice, a building control authority shall—

(a) F20[record the date of receipt of the notice, and]

(b) consider whether the notice complies with the requirements of *article 9*.

(2) Where a building control authority consider that a commencement notice complies with the requirements of *article 9*, they shall send to the person giving the notice an acknowledgement stating the date of receipt of the notice.

(3) F20[Where a building control authority considers that a commencement notice does not comply with *Article 9*, they may respond, within 7 days of receipt of a notice filed electronically or within 12 days of receipt of a notice received in writing, by electronic means or in writing as appropriate, and notify the person giving the commencement notice, that, having regard to the extent of the failure to comply with the said Article,

(a) the commencement notice is invalid and cannot be accepted by the authority,
or

(b) that such revised notice, or such additional information or fee, as may be necessary to comply with the said Article will be required to be submitted.]

(4) Where a building control authority serve a notice in accordance with *sub-article 3(a)*, they shall return to the person giving the notice, F21[the fee and any original documentation received from the person giving the notice.]

Annotations**Amendments:**

- F20** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 8(a) and (b), in effect as per art. 2.
- F21** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 8(c), in effect as per art. 2.

PART III**FIRE SAFETY CERTIFICATES**

Application of
Part III.

11. (1) Subject to *sub-article (2)* and *articles 3* and *6*, this Part applies to—

(a) works in connection with the design and construction of a new building,

(b) works in connection with the material alteration of—

(i) a day centre,

(ii) a building containing a flat,

(iii) a hotel, hostel or guest building, or

(iv) an institutional building, or

(v) a place of assembly, or

(vi) a shopping centre,

but excluding works to such buildings, consisting solely of minor works,

(c) works in connection with the material alteration of a shop, office or industrial building where—

(i) additional floor area is being provided within the existing building, or

(ii) the building is being subdivided into a number of units for separate occupancy,

(d) works in connection with the extension of a building by more than 25 square metres,

(e) a building as regards which a material change of use takes place,

to which the requirements of Part B of the Second Schedule to the Building Regulations apply.

(2) For the purposes of this Part, the following buildings are exempted—

(a) a single storey building which—

(i) is used exclusively for the storage of materials or products, for the accommodation of plant or machinery or in connection with the housing, care or management of livestock,

(ii) is used solely for the purpose of agriculture, and

(iii) is a building in which the only persons habitually employed are engaged solely in the care, supervision, regulation, maintenance, storage or removal of the materials, products, plant, machinery or livestock in the building,

and which is either attached to another such building or detached from any other building,

(b) a building used as a dwelling other than a flat,

(c) a single storey building used as a domestic garage,

(d) a single storey building (other than one described in (c)) ancillary to a dwelling (such as a summer house, poultry-house, aviary, conservatory, coal shed, garden tool shed or bicycle shed) which is used exclusively for recreational or storage purposes or the keeping of plants, birds or animal for domestic purpose's and is not used for the purposes of any trade or business or for human habitation,

or to works in connection with such a building provided that, after the works are carried out, the building is or continues to be a building referred to in *paragraphs (a) to (d)*.

(3) This Part shall not apply in relation to works carried out in compliance with a notice served under Section 20 of the Fire Services Act 1981 (No. 30 of 1981).

Obligation to obtain a certificate.

12. F22[(1) Subject to *paragraph (3)*, a fire safety certificate shall be required in respect of all works or buildings to which this Part applies.]

(2) Where a fire safety certificate is required in respect of works or a building, a person shall not carry out such works or make a material change of use as regards such a building—

(a) in the absence of a fire safety certificate in respect of the works or building, or

(b) in contravention of any conditions subject to which the certificate is granted.

F23[(3) *Paragraphs 1 and 2* shall not apply where a 7 day notice has been submitted to the relevant building control authority pursuant to *Article 20A*.]

Annotations

Amendments:

F22 Substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 6(1)(a), in effect as per art. 2.

F23 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 6(1)(b), in effect as per art. 2.

Form of application.

13. (1) An application for a fire safety certificate shall be in the form set out in the *Third Schedule*.

(2) An application for a fire safety certificate shall be accompanied by—

(a) such plans (including a site or layout plan and drawings of floor plans, elevations and sections) (in duplicate), calculations, specifications and such other particulars as are necessary to —

(i) identify and describe the works or building to which the application relates, and

- (ii) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans, calculations, specifications and other particulars, comply with requirements of Part B of the Second Schedule to the Building Regulations,
- (b) particulars of the nature and extent of the proposed use and, where appropriate, of the existing use, of the building concerned, and
- (c) such fee (if any) as may from time to time be prescribed for that purpose in *Part V*.

Procedure on receipt of application.

14. (1) On receipt of an application for a fire safety certificate, a building control authority shall—

- (a) stamp the documents with the date of receipt, and
- (b) consider whether the application complies with the requirements of *article 13*.

(2) Where a building control authority consider that an application for a Fire Safety Certificate complies with the requirements of *article 13*, they shall send to the applicant an acknowledgement stating the date of receipt of the application.

(3) Where a building control authority consider that an application for a fire safety certificate does not comply with *article 13*, they may, as they consider appropriate having regard to the extent of the failure to comply with the said article, by notice in writing—

- (a) inform the applicant that the application is invalid and cannot be considered by the authority, or
- (b) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said article.

(4) Where a building control authority serve a notice in accordance with *sub-article 3(a)*, they shall return to the applicant all the documents and the fee which accompanied the application.

Consideration of application.

15. Where an application is made to a building control authority for a fire safety certificate, the authority, in considering such application, shall—

- (a) be restricted to considering only the extent to which the design of the building or works complies with the requirements of Part B of the Second Schedule to the Building Regulations, and
- (b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.

Revised plans.

16. Where a building control authority, having considered an application for a fire safety certificate, are disposed to granting such certificate subject to any modification of the plans, calculations, specifications or particulars to which the application relates, they may require the applicant to submit to them revised plans, specifications or other particulars providing for such modification and may decide to grant a fire safety certificate in respect of such revised plans, specifications or particulars so submitted.

Decision on application.

17. (1) A building control authority shall, having considered an application for a fire safety certificate, grant the certificate, with or without conditions, or refuse to grant the certificate, as the case may be.

(2) A fire safety certificate granted under this *Part* shall only be construed as certifying that the building or works, if constructed in accordance with the plans, documents and information submitted, would comply with the requirements of Part B of the Second Schedule to the Building Regulations.

Grant of certificate.

18. Where a building control authority decide to grant a fire safety certificate with or without conditions, the form set out in the *Fourth Schedule* or a form substantially to the like effect, shall be the form of every such certificate and where the fire safety certificate is granted subject to conditions, they shall inform the applicant in writing of the reasons therefor.

Refusal of certificate.

19. Where a building control authority decide to refuse to grant a fire safety certificate, they shall notify the applicant in writing of their decision and the reasons therefor.

Right of appeal.

20. Where a building control authority grant a fire safety certificate with conditions, or refuse to grant a fire safety certificate, they shall notify the applicant that he may appeal to the Board against the decision of the building control authority within the period prescribed in *Part VI*.

F24[PART IIIA —

7 DAY NOTICE, CERTIFICATES OF COMPLIANCE, REVISED FIRE SAFETY CERTIFICATE, REGULARISATION CERTIFICATE, STATUTORY DECLARATION AND 7 DAY NOTICE STATUTORY DECLARATION]

Annotations

Amendments:

- F24** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 9, in effect as per art. 2.

Editorial Notes:

- E6** Previous affecting provision: title of part substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 5, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.
- E7** Previous affecting provision: title inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 7, in effect as per art. 2; substituted as per F-note above.

F25[7 Day Notice.

20A (1) (a) A 7 day notice shall be submitted to a building control authority in respect of:

- (i) all works or buildings to which *Part III* applies, pursuant to *Article 11(1)* of these Regulations, and
- (ii) where it is proposed to commence work before grant of the relevant fire safety certificate.

(b) A 7 day notice referred to in *paragraph (a)* shall be submitted not less than 7 days in advance of commencement of work.

F26[(2)(a) A 7 day notice shall be—

- (i) filed electronically on the Building Control Management System or set out on the form for that purpose included in the *Third Schedule*,
 - (ii) subject to *subparagraph (b)*, accompanied by—
 - (I) a valid application for a fire safety certificate from the applicant in the form specified for that purpose in the *Third Schedule* and accompanied by such plans and particulars as required under *Articles 13(2)(a)* and *13(2)(b)*,
 - (II) a 7 day notice statutory declaration in the form specified for that purpose in the *Third Schedule*,
 - (III) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned, and including—
 - (A) general arrangement drawings including plans, sections and elevations,
 - (B) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date,
 - (C) the completion of an online assessment, via the Building Control Management System, of the proposed approach to comply with the requirements of the Second Schedule to the Building Regulations,
 - (D) the preliminary Inspection Plan prepared by the Assigned Certifier, and
 - (IV) the following certificates and notices in the appropriate forms set out in the *Third Schedule*—
 - (A) a Certificate of Compliance (Design),
 - (B) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
 - (C) a Certificate of Compliance (Undertaking by Assigned Certifier),
 - (D) a Notice of Assignment of Builder, and
 - (E) a Certificate of Compliance (Undertaking by Builder), and
 - (iii) accompanied by such fee as is required under *Part V*.
- (b) The requirements of *paragraphs (2)(a)(ii)(III)* and *(2)(a)(ii)(IV)* shall apply to the following works and buildings—
- (i) the design and construction of a new dwelling,
 - (ii) an extension to a dwelling involving a total floor area greater than 40 square metres,
 - (iii) works to which *Part III* applies.
- (c) If, for whatever reason, having submitted the 7 day notice in respect of works or a building subject to *paragraphs (2)(a)(ii)(III)* and *(2)(a)(ii)(IV)*, a building owner changes either the person assigned to inspect and certify the works or the assigned builder, then the building owner shall within 14 days notify the building control authority of the change, electronically or otherwise, by submitting the appropriate notices of assignment and forms of undertaking as referred to under *paragraph (2)(a)* reflecting the up-to-date arrangements in this regard.

(d) If, for whatever reason, a change of ownership of works or a building subject to the requirements of *paragraphs (2)(a)(ii)(III) and (2)(a)(ii)(IV) inclusive* occurs prior to completion, the new owner shall within 14 days notify the building control authority, electronically or otherwise, that they are now the owner of the building or works.]

(3) (a) On receipt of a 7 day notice, a building control authority shall—

(i) consider whether the application is in compliance with the requirements of *paragraph (2)*, and

(ii) F27[record the date of receipt of the notice.]

(b) Where a building control authority consider that a 7 day notice complies with the requirements of *paragraph (2)*, they shall send to the applicant an acknowledgment stating the date of receipt of the notice.

(c) Where a building control authority consider that a 7 day notice does not comply with *paragraph (2)*, they may within 7 days of receipt of the notice, as they consider appropriate having regard to the extent of the failure to comply with the said paragraph, by notice—

(i) inform the applicant that the 7 day notice is invalid and cannot be accepted by the authority, or

(ii) require the applicant to furnish such further or amended plans, calculations, specifications, documents or particulars or such additional fee, as may be necessary to comply with the said paragraph.

(d) For the purposes of *subparagraph (c)*, a building control authority may give or send any notice to the applicant by such of the following means as they consider effective:—

(i) in writing and sent by post or personal delivery;

(ii) subject to *paragraph (e)*, by telephone, fax, electronic mail or such other means, whether electronic or otherwise, as may appear appropriate.

(e) Where a building control authority give or send any notice to the applicant in any form other than F28[by electronic communication or] in writing, the building control authority shall confirm such notice in writing to the applicant within fourteen days.

(4) *Articles 15 to 20* shall apply *mutatis mutandis* as if any reference therein to an application or an application for a fire safety certificate were a reference to an application for a fire safety certificate which accompanied the submission of a 7 day notice under *paragraph (2)(b)*.]

Annotations

Amendments:

F25 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 7, in effect as per art. 2.

F26 Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 10, in effect as per art. 2.

F27 Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 11(a), in effect as per art. 2.

F28 Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 11(b), in effect as per art. 2.

Editorial Notes:

- E8** Previous affecting provision: art. 20A(2) substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 8, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

F29[Revised Fire
Safety Certificate.

20B (1) (a) A revised fire safety certificate shall be required in respect of works—

- (i) where the original application for a fire safety certificate was submitted prior to the grant of planning permission, if necessitated by the subsequent grant of such planning permission, for the purpose of ensuring that the revised design arising from the grant of planning permission (including any conditions attached to it) complies with the requirements of Part B of the Second Schedule to the Building Regulations, or
 - (ii) where significant revision is made to the design or works of a building or an extension of, a material alteration to or a material change of use of a building in respect of which a fire safety certificate has been granted by a building control authority.
- (b) Where a revised fire safety certificate is required in respect of all works or buildings, a person shall not carry out such works or make a material change of use as regards such a building—
- (i) in the absence of a revised fire safety certificate in respect of the works or building, or
 - (ii) in contravention of any conditions subject to which the certificate is granted.

(2) An application for a revised fire safety certificate shall be in the form specified for that purpose in the *Third Schedule*.

(3) An application for a revised fire safety certificate shall be accompanied by—

- (a) such revised plans (including a site or layout plan and drawings of floor plans, elevations and sections) (in duplicate) and such other revised calculations, specifications or other particulars as are necessary to—
 - (i) identify and describe the works or building to which the application relates, and
 - (ii) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans, calculations, specifications and other particulars, comply with the requirements of Part B of the Second Schedule to the Building Regulations.

(b) such fee as may from time to time be prescribed for that purpose in *Part V*.

(4) (a) On receipt of an application for a revised fire safety certificate, a building control authority shall—

- (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of *paragraphs (2) and (3)*.
- (b) Where a building control authority consider that an application for a revised fire safety certificate complies with the requirements of *paragraphs (2) and (3)*, they shall send to the applicant an acknowledgement stating the date of receipt of the application.

(c) Where a building control authority consider that an application for a revised fire safety certificate does not comply with *paragraphs (2) and (3)*, they may, as they consider appropriate having regard to the extent of the failure to comply with the said paragraphs, by notice in writing—

(i) inform the applicant that the application is invalid and cannot be considered by the authority, or

(ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said paragraphs.

(d) Where a building control authority serve a notice in accordance with *subparagraph (c)*, they shall return to the applicant all the documents and the fee which accompanied the application.

(5) *Articles 15 to 17* shall apply *mutatis mutandis* as if any reference therein to an application or an application for a fire safety certificate were a reference to an application for a revised fire safety certificate pursuant to *paragraph (2)*.

(6) Where a building control authority decide to grant a revised fire safety certificate with or without conditions, the form specified for that purpose in the *Fourth Schedule* or a form substantially to the like effect, shall be the form of every such certificate and where the revised fire safety certificate is granted subject to conditions, they shall inform the applicant of the reasons therefor.

(7) Where a building control authority decide to refuse to grant a revised fire safety certificate, they shall notify the applicant in writing of their decision and the reasons therefor.

(8) Where a building control authority grant a revised fire safety certificate with conditions, or refuse to grant a revised fire safety certificate, they shall notify the applicant that he may appeal to the Board against the decision of the building control authority within the period prescribed in *Part VI.*]

Annotations

Amendments:

F29 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 7, in effect as per art. 2.

F30[Regularisation Certificate.

20C (1) Where works have been commenced or completed in respect of the construction of a building or an extension of or a material alteration to a building without a fire safety certificate as required under *article 12(1)* or the submission of a 7 day notice under *article 20A(1)*, an application shall be submitted to a building control authority for a regularisation certificate.

(2) (a) An application for a regularisation certificate shall be in the form specified for that purpose in the *Third Schedule*.

(b) An application for a regularisation certificate shall be accompanied by—

(i) drawings of the relevant works as they have been commenced or constructed, so as to enable the building control authority to assess whether the said works, as commenced or as constructed in accordance with the said drawings, documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations,

- (ii) a statutory declaration from the applicant in the form specified for that purpose in the *Third Schedule*, and
 - (iii) such fee as may from time to time be prescribed for that purpose in *Part V*.
 - (3) (a) On receipt of an application for a regularisation certificate, a building control authority shall—
 - (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of *paragraph (2)*.
 - (b) Where a building control authority consider that an application for a regularisation certificate complies with the requirements of *paragraph (2)*, they shall send to the applicant an acknowledgement stating the date of receipt of the application.
 - (c) Where a building control authority consider that an application for a regularisation certificate does not comply with *paragraph (2)*, they may, as they consider appropriate having regard to the extent of the failure to comply with the said article, by notice in writing—
 - (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
 - (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said paragraph.
 - (d) Where a building control authority serve a notice in accordance with *subparagraph (c)*, they shall return to the applicant all the documents and the fee which accompanied the application.
- (4) Where an application is made to a building control authority for a regularisation certificate, the authority, in considering such application, shall
- (a) be restricted to considering only the extent to which the works, if commenced or as constructed in accordance with the drawings, documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations, and
 - (b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.
- (5) Where a building control authority, having considered an application for a regularisation certificate, are disposed to granting such certificate subject to any modification of the plans, documents or information to which the application relates, they may require the applicant to submit to them revised plans, documents or information providing for such modification and may decide to grant a regularisation certificate in respect of such revised plans, documents or information so submitted.
- (6) (a) A building control authority shall, having considered an application for a regularisation certificate and following an inspection of the building pursuant to *paragraph (b)*, grant such certificate, with or without conditions or refuse to grant the certificate, as the case may be.
 - (b) An authorised person shall be entitled to enter at all reasonable times into any land (subject to his producing, if so required, his authority in writing as such person) and thereon enter and inspect, for the purposes of these Regulations, any building and any plans or documents relating to such building.

(c) In this article, an “authorised person” means a person authorised in writing by a building control authority to be an authorised person for the purposes of these Regulations.

(d) Subsections (3) to (7) of the Building Control Act 1990 shall apply *mutatis mutandis* as if any reference therein to an authorised person was a reference to an authorised person appointed pursuant to this article.

(e) A regularisation certificate granted under this Part shall only be construed as specifying, that in the opinion of the building control authority, the works as constructed in accordance with plans, documents and information submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations, subject to compliance (within a period of 4 months there mentioned) with any conditions attached to the certificate, including conditions as to the carrying out of additional works.

(7) Where a building control authority decide to grant a regularisation certificate, with or without conditions, the form specified for that purpose in the *Fourth Schedule* or a form substantially to the like effect, shall be the form of every such certificate and where the regularisation certificate is granted subject to conditions, they shall inform the applicant of the reasons therefor.

(8) Where a building control authority decide to refuse to grant a regularisation certificate, they shall notify the applicant in writing of their decision and the reasons therefor.

(9) Where a building control authority grant a regularisation certificate with conditions, or refuse to grant a regularisation certificate, they shall notify the applicant that he may appeal to the Board against the decision of the building control authority within the period prescribed in *Part VI*.]

Annotations

Amendments:

F30 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 7, in effect as per art. 2.

F31[PART IIIB —

DISABILITY ACCESS CERTIFICATE AND REVISED DISABILITY ACCESS CERTIFICATE.]

Annotations

Amendments:

F31 Inserted (1.01.2010) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 8, in effect as per art. 2.

F32[Disability Access Certificate.

20D (1) A certificate of compliance with respect to requirements under Part M of the Second Schedule of the Building Regulations (hereinafter referred to as a ‘disability access certificate’) shall be required in respect of all works or a building to which *Part III* applies pursuant to *paragraphs (a) to (e) of Article 11(1)* of these Regulations.

(2) Where a disability access certificate is required in respect of all works or buildings to which this Part applies, a person shall make an application to the building control authority for such certificate and not carry out such works or make a material change

of use as regards such a building in contravention of Part M of the Building Regulations or any conditions subject to which the certificate is granted.

(3) (a) An application for a disability access certificate shall be in the form specified for that purpose in the *Third Schedule*.

(b) An application for a disability access certificate shall be accompanied by—

(i) such plans, (including a site or layout plan) (in duplicate) and such other particulars as are necessary to—

(I) identify and describe the works or building to which the application relates,

(II) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans and other particulars, comply with the requirements of Part M of the Second Schedule to the Building Regulations,

(III) identify the nature and extent of the proposed use and, where appropriate, of the existing use of the building concerned, and

(ii) such fee as may from time to time be prescribed for that purpose in *Part V*.

(4) (a) On receipt of an application for a disability access certificate, a building control authority shall—

(i) stamp the documents with the date of receipt, and

(ii) consider whether the application complies with the requirements of *paragraph (3)*.

(b) Where a building control authority consider that an application for a disability access certificate complies with the requirements of *paragraph (3)*, they shall send to the applicant an acknowledgement stating the date of receipt of the application.

(c) Where a building control authority consider that an application for a disability access certificate does not comply with *paragraph (3)*, they may, as they consider appropriate, having regard to the extent of the failure to comply with the said paragraph, by notice in writing—

(i) inform the applicant that the application is invalid and cannot be considered by the authority, or

(ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said article.

(d) Where a building control authority serve a notice in accordance with *sub-paragraph (c)*, they shall return to the applicant all the documents and the fee which accompanied the application.

(5) Where an application is made to a building control authority for a disability access certificate, the authority, in considering such application, shall—

(a) be restricted to considering only the extent to which the design or works complies with the requirements of Part M of the Second Schedule to the Building Regulations, and

(b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.

(6) Where a building control authority, having considered an application for a disability access certificate, are disposed to granting such certificate subject to any modification of the plans, calculations, specifications or particulars to which the application relates, they may require the applicant to submit to them revised plans, specifications, or other particulars providing for such modification and may decide to grant a disability access certificate in respect of such revised plans, specifications or particulars so submitted.

(7) (a) A building control authority shall, having considered an application for a disability access certificate, grant such certificate, with or without conditions or refuse to grant the certificate, as the case may be.

(b) A disability access certificate granted under this Part shall only be construed as certifying that the building or works, if constructed in accordance with the plans, documents and information submitted, would comply with the requirements of Part M of the Second Schedule to the Building Regulations.

(8) Where a building control authority decide to grant a disability access certificate, with or without conditions, the form specified for that purpose in the *Fourth Schedule* or a form substantially to the like effect, shall be the form of every such certificate and where the disability access certificate is granted subject to conditions, they shall inform the applicant of the reasons therefor.

(9) Where a building control authority decide to refuse to grant a disability access certificate, they shall notify the applicant in writing of their decision and the reasons therefor.

(10) Where a building control authority grant a disability access certificate with conditions, or refuse to grant a disability access certificate, they shall notify the applicant that he may appeal to the Board against the decision of the building control authority within the period prescribed in *Part VI.*]

Annotations

Amendments:

F32 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 8, in effect as per art. 2.

F33[Revised
Disability Access
Certificate.

20E (1) A revised disability access certificate shall be required where significant revision is made to the design or works of a building or an extension of, a material alteration to or a material change of use of a building in respect of which a disability access certificate has been granted by a building control authority.

(2) (a) An application for a revised disability access certificate shall be in the form specified for that purpose in the *Third Schedule*.

(b) An application for a revised disability access certificate shall be accompanied by—

(i) such revised plans, (including a site or layout plan)(in duplicate) and such other revised particulars as are necessary to—

(I) identify and describe the works or building to which the application relates,

(II) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans and other particulars, comply with the requirements of Part M of the Second Schedule to the Building Regulations,

- (III) identify the nature and extent of the proposed use and, where appropriate, of the existing use of the building concerned, and
- (ii) such fee as may from time to time be prescribed for that purpose in *Part V* of these Regulations.
- (3) (a) On receipt of an application for a revised disability access certificate, a building control authority shall—
- (i) stamp the documents with the date of receipt, and
- (ii) consider whether the application complies with the requirements of *paragraph (2)*.
- (b) Where a building control authority consider that an application for a revised disability access certificate complies with the requirements of *paragraph (2)*, they shall send to the applicant an acknowledgement stating the date of receipt of the application.
- (c) Where a building control authority consider that an application for a revised disability access certificate does not comply with *paragraph (2)*, they may, as they consider appropriate, having regard to the extent of the failure to comply with the said paragraph, by notice in writing—
- (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
- (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said article.
- (d) Where a building control authority serve a notice in accordance with *subparagraph (c)*, they shall return to the applicant all the documents and the fee which accompanied the application.
- (4) *Articles 20D(5), 20D(6) and 20D(7)* shall apply *mutatis mutandis* as if any reference therein to an application or an application for a disability access certificate were a reference to an application for a revised disability access certificate and any reference to a certificate or a disability access certificate shall be construed accordingly.
- (5) Where a building control authority decide to grant a revised disability access certificate with or without conditions, the form specified for that purpose in the Fourth Schedule to the Principal Regulations or a form substantially to the like effect, shall be the form of every such certificate and where the revised disability access certificate is granted subject to conditions, they shall inform the applicant of the reasons therefor.
- (6) Where a building control authority decide to refuse to grant a revised disability access certificate, they shall notify the applicant in writing of their decision and the reasons therefor.
- (7) Where a building control authority grant a revised disability access certificate with conditions, or refuse to grant a revised disability access certificate, they shall notify the applicant that he may appeal to the Board against the decision of the building control authority within the period prescribed in *Part VI*.]

Annotations**Amendments:**

- F33** Inserted (1.01.2010) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 8, in effect as per art. 2.

F34[PART IIIC —

CERTIFICATE OF COMPLIANCE ON COMPLETION]

Annotations**Amendments:**

- F34** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 12, in effect as per art. 2.

Editorial Notes:

- E9** Previous affecting provision: part inserted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 9, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

F35[Certificate of
Compliance on
Completion

20F(1) Subject to *paragraph (2)*, a Certificate of Compliance on Completion shall be submitted to a building control authority and relevant particulars thereof shall be included on the register maintained under *Part IV* before works or a building to which *Part II* or *Part IIIA* applies may be opened, occupied or used.

F36[(2) Subject to *paragraph (10)*, the requirement for a Certificate of Compliance on Completion shall apply to the following works and buildings—

- (a) the design and construction of a new dwelling,
- (b) an extension to a dwelling involving a total floor area greater than 40 square metres,
- (c) works to which *Part III* applies.]

(3) A Certificate of Compliance on Completion shall be—

- (a) in the form specified for that purpose in the *Sixth Schedule*, and
- (b) accompanied by such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed—
 - (i) differs from the plans, calculations, specifications and particulars submitted for the purposes of *Article 9(1)(b)(i)* or *Article 20A(2)(a)(ii)* as appropriate (to be listed and included at the Annex to the Certificate of Compliance on Completion), and
 - (ii) complies with the requirements of the Second Schedule to the Building Regulations, and
- (c) accompanied by the Inspection Plan as implemented by the Assigned Certifier in accordance with the Code of Practice referred to under *Article 20G(1)* or a suitable equivalent.

(4) On receipt of a Certificate of Compliance on Completion, a building control authority shall—

- (a) record the date of receipt of the Certificate, and
- (b) consider within 21 days of the date of its receipt whether the Certificate of Compliance on Completion is valid having regard to—
 - (i) the requirements of *paragraph (3)* above, and

- (ii) the building control authority's own satisfaction that all enforcement notices, information requests and statutory processes, including any applications for certificates under *Part III*, *Part IIIA* or *Part IIIB*, relevant to the building concerned have been satisfactorily concluded.

(5) Where the building control authority considers that a Certificate of Compliance on Completion may not be valid having regard to *paragraphs (3) and (4)*, the building control authority may within 21 days of receipt of the certificate, write to the person who submitted the certificate and

- (i) inform them, giving reasons, that the certificate does not comply with *paragraphs (3) and (4)* and cannot be accepted by the authority, or
- (ii) require the person submitting the certificate to submit such revised certificate or such additional documentation as may be deemed necessary by the building control authority to accompany the certificate for the purposes of *paragraphs (3) and (4)*.

(6)(i) Where the building control authority considers the Certificate of Compliance on Completion to be valid having regard to *paragraphs (3) and (4)*, the building control authority shall, no later than 21 days of receipt of said certificate, enter particulars relating to the relevant certificate on the register maintained under Part IV and shall notify the person who submitted the certificate that particulars have been included on the register.

- (ii) Notwithstanding *paragraph (6)(i)*, where a revised certificate or additional documentation has been required in accordance with *paragraph (5)(ii)*, the building control authority, on full receipt of such revised certificate or additional documentation as appropriate, may avail of a further period of 7 days within which to consider the validity of the certificate. On or before the expiry of said 7 day period the building control authority, if it considers that no further action is warranted pursuant to *paragraph (5)*, shall enter the relevant particulars on the register and notify the person who submitted the certificate as appropriate.

(7) A building control authority serving a notice in accordance with *paragraph (5)(i)* shall return to the person giving the certificate, the certificate and any documentation that accompanied the certificate.

(8) Where the plans, calculations, specifications and particulars comprehended under *paragraph (3)(b)* and the Inspection Plan comprehended under *paragraph (3)(c)* have been submitted to a building control authority on a date falling not more than 5 weeks and not less than 3 weeks prior to a nominated date on which a valid Certificate of Compliance on Completion is intended to be entered on the register, the building control authority shall at that point begin to consider the validity of a prospective Certificate of Compliance on Completion in accordance with *paragraphs (3) and (4)* so that the authority is in a position to include the details of the relevant Certificate of Compliance on Completion on the register on the nominated date provided that a valid Certificate of Compliance on Completion is received by the building control authority on a date not later than the date preceding the nominated date.

(9) A Certificate of Compliance on Completion may refer to works, buildings, including areas within a building, or developments, including phases thereof, and relevant details shall be clearly identified on the Certificate of Compliance on Completion itself and, subject to validation in line with the requirements at *paragraphs (3) and (4)*, on the register.]

F37[(10) Notwithstanding the provisions of *subparagraphs (2)(a) and (2)(b)*, where a valid Declaration of Intention to Opt Out of Statutory Certification has been included on the public register in respect of a new single dwelling, on a single unit development, or an extension to a dwelling, then the provisions of *Article 20F* shall not apply.]

Annotations**Amendments:**

- F35** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 12, in effect as per art. 2.
- F36** Substituted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 7(a), in effect as per art. 2.
- F37** Inserted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 7(b), in effect as per art. 2.

F38[Code of Practice for Inspecting and Certifying Buildings and Works

20G(1) The Minister may from time to time publish a document with the title of the Code of Practice for Inspecting and Certifying Buildings and Works for the purposes of providing guidance with respect to inspecting and certifying a building or works for compliance with the requirements of the Second Schedule to the Building Regulations.

(2) Where a building or works to which these Regulations apply is inspected and certified in accordance with the guidance contained in the Code of Practice for Inspecting and Certifying Buildings and Works this shall, *prima facie*, indicate compliance with the relevant requirements of these Regulations.

(3) The provisions of any guidance contained in the Code of Practice for Inspecting and Certifying Buildings and Works concerning the use of a particular inspection framework or approach shall not be construed as prohibiting the use of other suitable frameworks or approaches.]

Annotations**Amendments:**

- F38** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 12, in effect as per art. 2.

PART IV**THE REGISTER**

F39[Register

21. (1) A building control authority shall keep a register and shall enter in the register particulars of—

- (a) any valid application for a dispensation or relaxation, including the name and address of the applicant, the date of receipt of the application, and brief details of a building or works forming the subject of the application,
- (b) any valid commencement notice or 7 day notice or certificate of compliance given to them under *Part II*, *Part IIIA* or *Part IIIC*, as appropriate, including the name and address of the owner of the building, the date of receipt of the notice, the person or persons carrying out the works, the person who certified the design, the person assigned to inspect and certify the works (the assigned certifier), the builder assigned to undertake the works, any changes to previously recorded detail notified in accordance with *Articles 9(3)*, *9(4)*, *20A(2)(c)*, or *20A(2)(d)* and brief particulars of a building or works forming the subject of the notice,

- (c) any valid application for a fire safety certificate, a revised fire safety certificate, a regularisation certificate, a disability access certificate, or a revised disability access certificate made to them under *Part III, Part IIIA or Part IIIB*, as appropriate, including the name and address of the applicant, the date of receipt of the application, and brief particulars of a building or works forming the subject of the application,
 - (d) their decision in respect of any application referred to in *paragraphs (a) and (c)* and the date of the decision,
 - (e) any determination or direction by the Board in respect of an appeal relating to a decision referred to in *paragraphs (a) or (c)* and the date of the determination or direction,
 - (f) any enforcement notices served by them, including the name and address of the person on whom the notice was served, the date of the notice and brief particulars of the contents of the notice,
 - (g) the date and effect of any decision by the District Court in respect of a notice referred to in *paragraph (f)*, including the date and effect of the decision,
 - (h) any valid Certificate of Compliance on Completion accepted by the building control F40[authority,]
- F41[(i) any Declaration of Intention to Opt Out of Statutory Certification submitted in accordance with *Article 9(5)*.]

(2) The register, where it is not available on the website of the local authority concerned, shall be available for inspection at the offices of the local authority during office hours.

(3) In the interest of clarity, records relating to particulars included on the register may be accessed in accordance with the Freedom of Information Acts 1997 and 2003.

(4) For the avoidance of doubt, the register may be maintained electronically subject to the Data Protection Acts 1998 and 2003.]

Annotations

Amendments:

- F39** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 13, in effect as per art. 2.
- F40** Substituted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 8(a), in effect as per art. 2.
- F41** Inserted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 8(b), in effect as per art. 2.

Editorial Notes:

- E10** Previous affecting provision: article substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 10, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.
- E11** Previous affecting provision: para. (1) amended (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 9, in effect as per art. 2; substituted as per F-note above.

E12 Previous affecting provision: art. 21 substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 5, in effect as per art. 2; substituted as per F-note above.

PART V

FEES

Exemptions.

22. (1) Subject to *sub-article* (2), a fee shall not be payable to a building control authority under these Regulations where the authority is of the opinion that the works or the building which are or is the subject of the commencement notice, F42[7 day notice,] application for a fire safety certificate F43[, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate] or application for a dispensation or relaxation, as the case may be, are being carried out, or, in the case of a material change of use, is being made, by or on behalf of a voluntary organisation or a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992).

(2) *Subsection* (1) applies where a building control authority is of the opinion that—

(a) in the case of a voluntary organisation, the building concerned is—

- (i) intended to be used for social, recreational, educational or religious purposes by inhabitants of a locality generally or by people of a particular group or religious denomination and is not to be used mainly for profit or gain,
- (ii) intended to be used as a hostel, work-shop or other accommodation for disabled, poor or homeless persons and is not to be used mainly for profit or gain, or
- (iii) is ancillary to (i) or (ii),

(b) in the case of a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992), the building control authority is of the opinion that the building concerned is—

- (i) designed or intended to be used for the accommodation of poor or homeless persons or persons who would otherwise be likely to require housing accommodation provided by a housing authority, and is not to be used mainly for profit or gain, or
- (ii) is ancillary to (i).

F44[(3) A fee shall not be payable to a building control authority under these Regulations where the works or the building which are or is the subject of an application for a disability access certificate or a revised disability access certificate are being carried out, or, in the case of a material change of use, is being made, by or on behalf of a primary school, where the maximum number of mainstream teachers employed is or will be 4 or less.]

Annotations

Amendments:

F42 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 10(1), in effect as per art. 2.

F43 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 10(2), in effect as per art. 2.

F44 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 11, in effect as per art. 2.

Requirement to pay fee.

23. (1) Subject to *articles 3, 6 and 22*, a fee shall be paid to a building control authority by a person—

(a) giving a commencement notice,

(b) making an application for a fire safety certificate, F45[a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,]

(c) making an application for a dispensation or a relaxation.

(2) A fee shall be paid to the Board by a person making an appeal against a decision of a building control authority in relation to an application for—

(a) a fire safety certificate, F46[a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate,] or

(b) a dispensation or a relaxation.

(3) A fee shall be paid to a building control authority for a copy of—

(a) an entry in the register,

(b) a fire safety certificate, F47[a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or a 7 day notice,]

(c) a document which indicates that a dispensation or a relaxation has been granted.

F48[(4) An additional administrative charge limited solely to the direct costs incurred by a building control authority in respect of scanning and uploading documentation on the Building Control Management System may be levied by the building control authority on the building owner, or a person assigned in accordance with these Regulations to act on the owner's behalf, who seeks to submit plans, calculations, specifications, ancillary certificates and particulars relevant to a procedure for which a fee is required under *sub-article (1)* notwithstanding the availability of the Building Control Management System to receive such documentation in electronic form.]

Annotations

Amendments:

F45 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 12(1), in effect as per art. 2.

F46 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 12(2), in effect as per art. 2.

F47 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 12(3), in effect as per art. 2.

F48 Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 14, in effect as per art. 2.

Standard fee.

24. (1) The amount of fee payable in respect of—

- (a) the giving of a commencement notice,
- (b) an application for a fire safety certificate, F49[a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,]
- (c) an application for a dispensation or a relaxation,

shall, subject to *Part B* of the *Fifth Schedule*, be the amount indicated in *column 2* of *Part A* of that *Schedule* opposite the mention of the relevant application or notice in *column 1* of *Part A* of that *Schedule*.

(2) The amount of fee payable in respect of an appeal shall be the amount indicated in *column 2* of *Part A* of the *Fifth Schedule* opposite the mention of such appeal in *column 1* of *Part A* of that *Schedule*.

(3) The amount of fee payable for a copy of a document specified in *article 23(3)* shall be the amount indicated in *column 2* of *Part A* of the *Fifth Schedule* opposite the mention of such a copy in *column 1* of *Part A* of that *Schedule*.

Annotations**Amendments:**

F49 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 13, in effect as per art. 2.

Fee for alternative proposals.

25. (1) For the purposes of this article and the *Fifth Schedule*,—

- (a) “relevant floor area” means the floor area of the works or the building to which the application relates which is affected by the works or the material change of use, as the case may be;

“floor area” means the sum of the areas on each floor bounded by the inner finished surfaces of the enclosing walls, or, on any side where there is no enclosing wall, by the outermost edge of the floor on that side, and, in calculating the floor area of a building, there shall be included in such area the space occupied by any walls, shafts, ducts or structure within the area being measured.

- (b) in determining the fee payable in respect of a commencement notice, a house in a terrace and a semi-detached house are each to be treated as being a separate building.

(2) Where the floor area or the relevant floor area referred to in *sub-article (1)* is not an exact multiple of that unit, the fraction of a unit remaining after the division of the total area by the unit measurement shall be treated, for the purposes of calculating the fee payable in respect of the application, as a complete unit.

F50[(3) Where an application for a fire safety certificate, a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice includes alternative proposals for works or a building of materially different designs, the fee payable in respect of the application shall be calculated as if each alternative proposal were a separate application or a separate 7 day notice.]

Annotations**Amendments:**

- F50** Substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 14, in effect as per art. 2.

Refund of fee in case of certain repeat applications.

26. (1) Subject to *sub-articles (3) and (4)*, where a commencement notice is given to a building control authority and a subsequent commencement notice is submitted by or on behalf of the same person, the authority shall, subject to the provisions of *Part B* of the *Fifth Schedule*, refund three quarters of the fee paid to it in respect of the subsequent commencement notice.

(2) Subject to *sub-articles (3) and (4)*, where—

- (a) a decision has been made by a building control authority on an application for a fire safety certificate, F51[a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,] or
- (b) an appeal against a decision of a building control authority on an application for a fire safety certificate F52[, a revised fire safety certificate, a regularisation certificate, a disability access certificate or a revised disability access certificate] has been determined by the Board,

and a subsequent such application is made by or on behalf of the same applicant, the building control authority shall, subject to the provision: of *Part B* of the *Fifth Schedule*, refund three quarters of the fee paid to it in respect of the subsequent application.

(3) *Sub-articles (1) or (2)* shall apply if the building control authority is of the opinion that—

- (a) the works forming the subject of the first commencement notice or application for a fire safety certificate F53[, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or the submission of a 7 day notice] and the subsequent such notice or application, as the case may be, are substantially—
 - (i) of the same design and construction, and
 - (ii) on land consisting of the same site or part of the site, and
- (b) a fee under these Regulations or Building Control Act (Fees) Regulations, 1992 (as amended), in respect of the first commencement notice or application for a fire safety certificate, F54[, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice] as the case may be, has been paid, and
- (c) the period between the giving or making, as the case may be, of the first commencement notice or application for a fire safety certificate, F55[revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice,] and the subsequent such notice or application, as the case may be, does not exceed twelve months, and
- (d) in the case of *sub-article (1)*, no previous refund under these Regulations has at any time been made to the person giving the commencement notice, in respect of a commencement notice which related substantially to the same land and to works or a building of the same character or description as those to which the subsequent notice relates, and

(e) in the case of *sub-article (2)*, no previous refund under these Regulations or the Building Control Act (Fees) Regulations, 1992 (as amended), has at any time been made to the same applicant in respect of an application for a fire safety certificate F56[, a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice] which related substantially to the same land and to works or a building of the same character or description as those to which the subsequent application relates.

(4) A refund under this article shall be made on a claim in that behalf made in writing to the building control authority and received by it within (but not after) the period of two months beginning on the day of giving or making of the subsequent commencement notice or application for a fire safety certificate F57[, revised fire safety certificate, a regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice] (as the case may be).

Annotations

Amendments:

- F51** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(1), in effect as per art. 2.
- F52** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(2), in effect as per art. 2.
- F53** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(3), in effect as per art. 2.
- F54** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(4), in effect as per art. 2.
- F55** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(5), in effect as per art. 2.
- F56** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(6), in effect as per art. 2.
- F57** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 15(7), in effect as per art. 2.

PART VI

APPEALS

Provisions as to
making of appeal.

27. (1) An appeal shall—

- (a) be made in writing,
- (b) state the name and address of the appellant,
- (c) state the subject matter of the appeal,
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based, and
- (e) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance *Part V*.

(2) An appeal which does not comply with the requirements of *sub-article (1)* shall be invalid.

(3) Without prejudice to *article 31*, an appellant shall not be entitled to elaborate upon, or make further submissions in relation to, the grounds of appeal stated in the appeal or to submit further grounds of appeal and any such elaboration, submissions or further grounds of appeal that is or are received by the Board shall not be considered by it.

(4) (a) An appeal shall be accompanied by such documents, particulars or other information relating to the appeal as the appellant considers necessary or appropriate.

(b) Without prejudice to *article 32*, the Board shall not consider any documents, particulars or other information submitted by an appellant other than the documents, particulars or other information which accompanied the appeal.

F58[27 (5) An appeal shall be made by—

(a) sending the appeal by prepaid post to the Board, or

(b) leaving the appeal with an employee of the Board at the offices of the Board during office hours.]

Annotations

Amendments:

F58 Substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 6, in effect as per art. 2

Time for appeal
etc.

28. (1) An appeal may be made within a period of one month beginning on the day of the decision of the building control authority on an application.

(2) An appeal received by the Board after the expiration of the period mentioned in *sub-article (1)* shall be invalid.

(3) Where the last day of the period specified in *sub-article (1)* is a Saturday, a Sunday, a public holiday F59[(within the meaning of the *Organisation of Working Time, Act 1997*)] or any other day on which the offices of the Board are closed, an appeal shall, notwithstanding *sub-article (2)*, be valid as having been made in time if received by the Board on the next following day on which the offices of the Board are open.

Annotations

Amendments:

F59 Substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 4, in effect as per art. 2

Observations on
appeal.

29. (1) On receipt of an appeal the Board shall send a copy thereof to the building control authority against whose decision the appeal is made.

(2) A building control authority to whom a copy of an appeal has been sent under *sub-article (1)* may, within a period of one month beginning on the day on which a copy of the appeal is sent to it by the Board, make in writing to the Board such submissions or observations on the appeal as the authority thinks fit.

(3) Without prejudice to *article 31* a building control authority shall not be entitled to elaborate upon any submissions or observations made in accordance with *sub-*

article (2), or make further submissions or observations in relation to, the appeal and any such elaboration or submission that is or are received by the Board shall not be considered by it.

Documents, information, etc. in relation to appeal.

30. (1) Where an appeal is made to the Board the building control authority concerned shall, within a period of fourteen days beginning on the day on which a copy of the appeal is sent to it by the Board, submit to the Board—

- (a) a copy of the application concerned and any plans, documents, particulars, evidence or further information received or obtained by it from the applicant,
- (b) a copy of any report prepared by or for the building control authority in relation to the applicant,
- (c) a copy of the decision of the building control authority on the application and a copy of the notification of the decision given to the applicant, and
- (d) in the case of an appeal under section 7(1)(b) F60[, **section 7(1)(d) or section 7(1)(e)**] of the Act, a copy of the grant of any dispensation or relaxation of a requirement of Part B F61[**or Part M**] of the Second Schedule to the Building Regulations given under section 4 of the Act in respect of the building or works to which the appeal relates.

Annotations

Amendments:

- F60** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 16(i), in effect as per art. 2.
- F61** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 16(ii), in effect as per art. 2.

Power of Board to request submissions or observations.

31. Where the Board is of opinion that, in the particular circumstances of an appeal, it is appropriate in the interests of justice to request any party who has made submissions or observations in relation to any matter which has arisen in relation to the appeal, the Board may, in its discretion, notwithstanding *article 27(3) or 29(3)*, serve on any such party a notice under this article—

- (a) requesting that party, within a period specified in the notice (not being less than fourteen or more than twenty eight days beginning on the date of service of the notice) to submit to the Board submissions or observations in relation to the matter in question, and
- (b) stating that, if submissions or observations are not received before the expiration of the period specified in the notice, the Board will, after the expiration of that period and without further notice to the party, pursuant to *article 33* determine the appeal.

Power of Board to require submission of documents etc.

F62[32. Where the Board is of the opinion that any document, particulars (including revised plans, documents, specifications, etc.) or other information is or are necessary for the purpose of enabling it to determine an appeal, the Board may serve on any party a notice under this section—

- (a) requiring that party, within a period specified in the notice (being a period of not less than fourteen days beginning on the date of service of the notice) to submit to the Board, in duplicate, such revised plans or other drawings modifying, or other particulars providing for the modification of, the application to which the appeal relates, and

(b) stating that in default of compliance with the requirements of the notice, the Board will, after the expiration of the period so specified and without further notice to the party, pursuant to *article 33* dismiss or otherwise determine the appeal.]

Annotations

Amendments:

F62 Substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 7, in effect as per art. 2

Power of the Board where notice served under *article 31* or *32*.

33. Where a notice has been served under *article 31* or *32*, the Board, at any time after the expiration of the period specified in the notice, may, having considered any submissions or observations or plan, document, particulars or other information (as the case may be) submitted by the party on whom the notice has been served, without further notice to that party determine or, in the case of a notice served under *article 32*, dismiss the appeal.

Convening of meetings.

34. Where it appears to the Board expedient or convenient for the purposes of assisting the determination of an appeal the Board may, in its absolute discretion, convene a meeting of the parties.

Time for determination of appeal.

35. (1) It shall be the objective of the Board to ensure that every appeal is determined within four months beginning on the date of receipt by the Board of the appeal.

(2) Where it appears to the Board that it would not be possible or appropriate, because of the particular circumstances of an appeal, to determine the appeal within the period referred to in *sub-article (1)* the Board shall, by notice in writing served on the parties, inform those parties of the reasons why it would not be possible or appropriate, as the case may be, to determine the appeal within that period and shall specify the date before which the Board intends to determine the appeal.

(3) Where a notice has been served under *sub-article (2)*, the Board shall take all such steps as are open to it to determine the appeal before the date specified in the notice.

Powers of the Board to declare appeal withdrawn.

36. (1) Where the Board is of opinion that an appeal has been abandoned, the Board may serve on the appellant a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen or more than twenty eight days beginning on the date of service of the notice) to make to the Board a submission in writing as to why the appeal should not be regarded as having been withdrawn.

(2) Where a notice has been served under *sub-article (1)* the Board may, at any time after the expiration of the period specified in the notice and after considering the submission (if any) made to the Board pursuant to the notice, declare that the appeal shall be regarded as having been withdrawn.

Board may dismiss appeal if vexatious etc.

37. The Board shall in the following circumstances have an absolute discretion to dismiss an appeal—

(a) where, having considered the grounds of appeal, the Board is of opinion that the appeal is vexatious, frivolous or without substance or foundation, or

(b) where, having regard to—

(i) the nature of the appeal (including any question which in the Board's opinion is raised by the appeal), and

(ii) any previous decision of a building control authority or the Board which in its opinion is relevant,

the Board is satisfied that in the particular circumstances the appeal should not be further considered by it.

Inspections and reports.

38. (1) The Board may arrange for the carrying out of inspections in relation to appeals by persons authorised for that purpose by the Board either generally or for a particular appeal.

(2) Where in relation to an appeal an inspection is carried out on behalf of the Board, by a person authorised for that purpose by the Board, the person so authorised shall make to the Board a written report on the inspection and shall include in his report a recommendation relating to the matter with which the inspection was concerned, and the Board shall, before determining the appeal in relation to which the inspection was carried out, consider the report, including any recommendation contained therein.

Matters to be considered when determining an appeal.

39. When an appeal is made to the Board under section 7(1)(b) F63[, **section 7(1)(d) or section 7(1)(e)**] of the Act, the Board in considering such appeal shall—

(a) be restricted to considering the extent to which the design of the building complies with the requirements of Part B F64[**or Part M**] of the Second Schedule to the Building Regulations, and

(b) have due regard to any dispensation from, or relaxation of, a requirement of Building Regulations granted under Section 4 or 5 of the act in respect of, or which is relevant to, such building.

Annotations

Amendments:

F63 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 17, in effect as per art. 2.

F64 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 18, in effect as per art. 2.

Determination of appeal.

40. (1) Save as is provided in *sub-article (2)*, where an appeal is brought to the Board it shall determine the appeal as if the application to the building control authority to which the appeal relates had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the building control authority from the date of such decision.

(2) Where—

(a) an appeal relates only to a condition or conditions attached to a decision of a building control authority, and

(b) the Board is satisfied, having regard to the nature of the condition or conditions, that the determination by the Board of the relevant application at if it had been made to it in the first instance would not be warranted,

the Board may, in its absolute discretion, give to the relevant building control authority such directions as it considers appropriate relating to the attachment,

amendment or removal by that authority either of the condition or conditions to which the appeal relates or of other conditions.

Notification by
Board of decision
on appeal.

- 41.** (1) The Board shall notify each party to an appeal of its decision on the appeal.
- (2) Every notification given by the Board of a decision on an appeal shall specify—
- (a) where appropriate, the reference number relating to the relevant application in the register of the building control authority,
 - (b) the nature of the decision,
 - (c) the building or works to which the decision relates, and
 - (d) the date of the decision.

F65[Issue of fire safety certificate, revised fire safety certificate, regularisation certificate, disability access certificate or revised disability access certificate.]

42. Where a building control authority is notified by the Board of its decision to allow an appeal under section 7(1)(b), section 7(1)(d) or section 7(1)(e) of the Act, the authority shall, as soon as may be, issue a fire safety certificate, a revised fire safety certificate, a regularisation certificate, a disability access certificate or a revised disability access certificate, as appropriate, to the appellant in accordance with the decision of the Board.]

Annotations

Amendments:

- F65** Substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 19, in effect as per art. 2.

F66[Prohibition on opening, operation or occupation of buildings.]

43. (1) A new building or an existing building in respect of which an extension or a material alteration has been made, shall not be opened, operated or occupied or permitted to be opened, operated or occupied,

- (i) unless a fire safety certificate, a disability access certificate (or, as the case may be a revised certificate of either kind) or a regularisation certificate required by these Regulations has been granted by the building control authority in relation to the building, or
- (ii) if such appeal is made to it, pending the determination by An Bord Pleanála of an appeal relating to a refusal to grant any of the certificates or revised certificates referred to in *clause (i)* or the attachment of conditions to any of them."

43 (2) It is declared that an offence contrary to article 43(1) of these Regulations is an offence to which section 17(2) of the Act applies.]

Annotations

Amendments:

- F66** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 20, in effect as per art. 2.

Editorial Notes:

E13 Quotation mark at the end of para. (ii) is in the original.

FIRST SCHEDULE

Article 4

REGULATIONS REVOKED

Number	Title
S.I. No. 305 of 1991	Building Control Regulations, 1991
S.I. No. 153 of 1994	Building Control (Amendment) Regulations, 1994
S.I. No. 111 of 1992	Building Control Act, 1990 (Appeals) Regulations, 1992
S.I. No. 112 of 1992	Building Control Act, 1990 (Fees) Regulations, 1992
S.I. No. 182 of 1992	Building Control Act, 1990, (Fees) (Amendment) Regulations, 1992.

F67[SECOND SCHEDULE

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT AND FORMS OF
CERTIFICATES OF COMPLIANCE REQUIRED BEFORE CONSTRUCTION COMMENCES

(Article 9)

FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT (Notice to a Building Control Authority pursuant to Part II of the Building Control Regulations 1997 to 2014)	
Building Control Authority: _____ 	Unique Identifier: _____ <div style="text-align: right; font-size: small;">(for official use only)</div>
1. I, hereby give notice in accordance with Part II of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below commencing on the date of _____	
Name of Building Owner(s): _____	
Address: _____ _____	
Tel: _____ Fax: _____ Email: _____	
2. I enclose the fee payable for making this Notice of €: _____	
3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)	
Description of proposed development: _____	
Planning Permission No.: _____ Date Granted: _____	
Date of expiry: _____	
Fire Safety Certificate No. (if applicable): _____	
Disability Access Certificate No. (if applicable): _____	
Location of development: _____ _____	
Number of buildings: _____ Number of new buildings: _____	
Use of buildings: _____	

3b. Residential Development Information:

Total number of dwelling units (all phases*): _____

Total no. of phases* _____ of which _____ are multiple unit dwellings.

Phase for this commencement notice: _____

No. of units for this phase/commencement notice**: _____

Commencement date for this phase: _____

(Proposed) End-date for this phase: _____

* Where applicable, i.e. phasing not relevant for single houses.
 ** Include single house figure here also.

4. Builder:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Construction Industry Register Ireland registration number (where applicable): _____

5. Building Designer Details:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

Where required under Part III of the Building Control Regulations 1997 to 2014, the mandatory Certificate of Compliance (Design) signed by the above Building Designer accompanies this Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this Commencement Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates and Particulars)

Document	Reference	Description/Remarks

7. Signature by Building Owner:

Signature: _____ Date: _____
 (Building Owner)

F68[(Article 9)]

DECLARATION OF INTENTION TO OPT OUT OF STATUTORY CERTIFICATION**Building Control Authority:****Unique Identifier:** _____ (for
official use only)

1. This declaration relates to the following dwelling or extension: _____
 _____ Planning Permission No.: _____

2. As the owner of the dwelling or extension, I hereby declare that, having regard to the provisions of Article 9(5) of the Building Control Regulations 1997 to 2015, I have decided to opt out of the requirement to subject the above building works to statutory certification as comprehended by Part II and Part IIIC of the Building Control Regulations 1997 to 2015.

3. I understand my statutory obligation as owner to ensure that the dwelling or extension is designed and constructed in accordance with the relevant requirements of the Second Schedule to the Building Regulations 1997 (as amended).

Dwelling Owner's Signature: _____ **Date:** _____

Name of Dwelling Owner(s): _____

Address: _____

Tel: _____ Fax: _____ Email: _____

]

(Article 9)

DESIGN CERTIFICATE Form of Certificate of Compliance (Design)	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Buildings and Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.</p>	
<p>3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the building or works described above and to certify such design. I further confirm that I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969 and that I am competent to carry out my design and to coordinate the design of others for the building or works concerned.</p>	
<p>4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the Commencement Notice to which this certificate is relevant, and which have been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.</p>	
<p>5. I certify, having exercised reasonable skill, care and diligence, that, having regard to the plans, calculations, specifications and particulars which have been prepared by me and others and having relied on ancillary certificates and particulars referred to at 4 above, the proposed design for the building or works is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.</p>	
<p>Signature: _____ Date: _____</p>	
<p>Person's Name: _____ Registration No.: _____</p>	
<p>On behalf of: _____ (company name where relevant)</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Practice registration number (where relevant): _____</p>	

(Article 9)

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER (Notice of Assignment of Person to Inspect and Certify Works)	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This notice of assignment relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. As the building owner, I have assigned the following person as Assigned Certifier, being a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Buildings and Works that the person so assigned is competent to inspect the building or works and to coordinate the inspection work undertaken by others, and to certify the works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.</p> <p>Name: _____</p> <p>Qualification(s): _____ Registration No.: _____</p> <p>On behalf of: _____ (Company/Practice name where relevant)</p> <p>Address: _____</p> <p>_____</p> <p>Tel: _____ Fax: _____ Email: _____</p> <p>Practice registration number (where relevant): _____</p>	
<p>3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the works or building, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.</p>	
<p>4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the building or works as notified herein.</p>	
<p>Building Owner's Signature: _____ Date: _____</p>	

(Article 9)

UNDERTAKING BY ASSIGNED CERTIFIER Form of Certificate of Compliance	
Building Control Authority: _____ 	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the building or 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 Second Schedule to the Building Regulations insofar as they apply to the building or works to which the accompanying Commencement Notice together with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule thereto refer.</p>	
<p>Signature: _____ Date: _____</p>	
<p>Person's Name: _____ Registration No.: _____</p>	
<p>On behalf of: _____ (company name where relevant)</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Practice registration number (where relevant): _____</p>	

(Article 9)

NOTICE OF ASSIGNMENT OF BUILDER	
Building Control Authority: <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>	Unique Identifier: <div style="text-align: right; font-size: small;"><i>(for official use only)</i></div> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>
<p>1. This notice of assignment relates to the following building or works:</p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/>	
<p>2. As the building owner, I have assigned the following person as Builder of the building or works and I am satisfied that they are competent to undertake the works so assigned on my behalf.</p> <p>Builder's Name: <hr style="border: 0; border-top: 1px solid black; width: 150px; display: inline-block;"/></p> <p>Address: <hr style="border: 0; border-top: 1px solid black; width: 400px; display: inline-block;"/></p> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <p>Tel.: <hr style="border: 0; border-top: 1px solid black; width: 100px; display: inline-block;"/> Fax: <hr style="border: 0; border-top: 1px solid black; width: 100px; display: inline-block;"/> Email: <hr style="border: 0; border-top: 1px solid black; width: 150px; display: inline-block;"/></p> <p>Construction Industry Register Ireland registration number (where applicable): <hr style="border: 0; border-top: 1px solid black; width: 150px; display: inline-block;"/></p>	
<p>3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as Builder of the building or works as notified herein.</p>	
<p>Building Owner's Signature: <hr style="border: 0; border-top: 1px solid black; width: 250px; display: inline-block;"/> Date: <hr style="border: 0; border-top: 1px solid black; width: 100px; display: inline-block;"/></p>	

(Article 9)

UNDERTAKING BY BUILDER FORM OF CERTIFICATE OF COMPLIANCE	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.</p>	
<p>3. I undertake to construct the building or works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the Commencement Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design), or as subsequently issued to me and certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Buildings and Works.</p>	
<p>4. Having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that the building or works is in compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.</p>	
<p>Signature: _____ Date: _____</p> <p>(to be signed by a Principal or Director of a building company only)</p>	
<p>Name: _____</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Construction Industry Register Ireland registration number (where applicable): _____</p>	

]

Annotations**Amendments:**

- F67** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 15, in effect as per art. 2.
- F68** Inserted (1.09.2015) by *Building Control (Amendment) (No. 2) Regulations 2015* (S.I. No. 365 of 2015), art. 9, in effect as per art. 2.

Editorial Notes:

- E14** Some of the material inserted above, being graphic images, does not appear in brown as would normally be the case for amendments.
- E15** Previous affecting provision: schedule substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 11, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.
- E16** Previous affecting provision: schedule substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 21, in effect as per art. 2.
- E17** Previous affecting provision: schedule substituted (1.04.2004) by *Building Control (Amendment) Regulations 2004* (S.I. No. 85 of 2004), art. 4, in effect as per art. 2.

F69[THIRD SCHEDULE

FORM OF APPLICATION FOR A FIRE SAFETY CERTIFICATE

Article 13

BUILDING CONTROL ACT, 1990 APPLICATION FOR A FIRE SAFETY CERTIFICATE	
<p>To _____ (insert name of building control authority)</p> <p>Application is hereby made under Part III of the Building Control Regulations, 1997, for a Fire Safety Certificate in respect of the works or building to which the accompanying plans, calculations and specifications apply.</p>	<p style="text-align: center; margin: 0;">OFFICIAL USE</p> <p>Received on: _____</p> <p>Ref. No.: _____</p> <p>Entered in Register on: _____</p>
<p>1. APPLICANT:</p> <p>Owner/Leaseholder (delete as appropriate)</p> <p>FULL NAME _____</p> <p>ADDRESS _____</p> <p>SIGNATURE _____</p> <p>TELEPHONE NO _____ DATE _____</p> <p>Owner of works or building (if different to above)</p> <p>_____</p>	
<p>2. Name and address of person/s or firm/s to whom notifications should be forwarded (Owner/Leaseholder or Designer/Developer/Builder)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

3. Name and address of person/s or firm/s responsible for preparation of accompanying plans, calculations and specifications. <hr style="border-top: 1px dashed #ccc;"/> <hr style="border-top: 1px dashed #ccc;"/> <hr style="border-top: 1px dashed #ccc;"/> <hr style="border-top: 1px dashed #ccc;"/>																	
4. Address (or other necessary identification) of the proposed works or building to which the application relates. <hr style="border-top: 1px dashed #ccc;"/> <hr style="border-top: 1px dashed #ccc;"/>																	
5. Nature of proposed works or building (a) Classification (please tick as appropriate) <ul style="list-style-type: none"> • Construction of new building <input type="checkbox"/> • Material alteration <input type="checkbox"/> • Material change of use <input type="checkbox"/> • Extension to a building <input type="checkbox"/> (b) Brief description <hr style="border-top: 1px dashed #ccc;"/> <hr style="border-top: 1px dashed #ccc;"/>																	
6. Use of proposed works or building (a) Existing use (where a change is proposed) <hr style="border-top: 1px dashed #ccc;"/> (b) New use <hr style="border-top: 1px dashed #ccc;"/>																	
7. In the case (a) Works involving the construction of a building, or a building the material use of which is being changed— <table style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 60%;">Site area</td> <td><hr style="border-top: 1px dashed #ccc;"/> (sq. metres)</td> </tr> <tr> <td>Number of basement storeys</td> <td><hr style="border-top: 1px dashed #ccc;"/></td> </tr> <tr> <td>Number of storeys above ground level</td> <td><hr style="border-top: 1px dashed #ccc;"/></td> </tr> <tr> <td>Height of top floor above ground level</td> <td><hr style="border-top: 1px dashed #ccc;"/> (metres)</td> </tr> <tr> <td>Floor area of building</td> <td><hr style="border-top: 1px dashed #ccc;"/> (sq. metres)</td> </tr> <tr> <td>Total area of ground floor</td> <td><hr style="border-top: 1px dashed #ccc;"/> (sq. metres)</td> </tr> </table> (b) Works involving an extension or the material alteration of a building— <table style="width: 100%; margin-top: 5px;"> <tr> <td style="width: 60%;">Floor area of extension</td> <td><hr style="border-top: 1px dashed #ccc;"/> (sq. metres)</td> </tr> <tr> <td>Floor area of material alteration</td> <td><hr style="border-top: 1px dashed #ccc;"/> (sq. metres)</td> </tr> </table>		Site area	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)	Number of basement storeys	<hr style="border-top: 1px dashed #ccc;"/>	Number of storeys above ground level	<hr style="border-top: 1px dashed #ccc;"/>	Height of top floor above ground level	<hr style="border-top: 1px dashed #ccc;"/> (metres)	Floor area of building	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)	Total area of ground floor	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)	Floor area of extension	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)	Floor area of material alteration	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)
Site area	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)																
Number of basement storeys	<hr style="border-top: 1px dashed #ccc;"/>																
Number of storeys above ground level	<hr style="border-top: 1px dashed #ccc;"/>																
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Floor area of extension	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)																
Floor area of material alteration	<hr style="border-top: 1px dashed #ccc;"/> (sq. metres)																
8. Amount of Fee (accompanying this application)	£ <hr style="border-top: 1px dashed #ccc;"/>]																

F70[F71[(Article 20A)

FORM OF 7 DAY NOTICE Building Control Acts 1990 and 2007	
Building Control Authority: _____ 	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. I hereby give 7 days notice in accordance with Part IIIA of the Building Control Regulations 1997 to 2014 that it is intended to carry out the development as described below.</p>	
Name of Building Owner(s): _____	
Address: _____ _____ _____	
Tel: _____ Fax: _____ Email: _____	
Proposed Commencement Date: _____	
<p>2. I enclose the fee payable for making this Notice of € _____</p>	
<p>3a. PROJECT PARTICULARS: (In addition, for Residential Developments, please complete Section 3b below)</p>	
Description of proposed development: _____ _____	
Planning Permission No.: _____ Date Granted: _____	
Date of expiry: _____	
Valid Fire Safety Certificate Applied for (date): _____	
Fire Safety Certificate No.: _____	
Location of development: _____	
Number of buildings: _____ Number of new buildings: _____	
Use of buildings: _____	

3b. Residential Development Information:

Total number of dwelling units (all phases*): _____

Total no. of phases* _____ of which _____ are multiple unit dwellings.

Phase being commenced under this 7 Day Notice: _____

No. of units covered by this phase/ 7 Day Notice**: _____

Commencement date for this phase: _____

(Proposed) End-date for this phase: _____

* Where applicable, i.e. phasing not relevant for single houses.
 ** Include single house figure here also.

4. Builder:

Name: _____

Address: _____

Construction Industry Register Ireland registration number (where applicable): _____

5. Building Designer Details:

Name: _____

Address: _____

Tel: _____ Fax: _____ Email: _____

Practice registration number (where relevant): _____

Where required under Part IIIA of the Building Control Regulations 1997 to 2014, the mandatory certificate of design compliance signed by the above Designer accompanies this 7 Day Notice.

6. Submission of Documents (where applicable): A Schedule of Documents accompanying this 7 Day Notice is attached in the following format:

Schedule of Documents (Plans, Calculations, Specifications, Ancillary Certificates & Particulars)

Document	Reference	Description/Remarks

7. Signature by Building Owner:

Signature: _____ Date: _____
 (Building Owner)

(Article 20A)

DESIGN CERTIFICATE Form of Certificate of Compliance (Design)	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. This certificate has been prepared in accordance with the Code of Practice for Inspecting and Certifying Buildings and Works [as published by the Minister under section 3(7) of the Building Control Act 1990] or equivalent.</p>	
<p>3. I confirm that I have been commissioned by the building owner to design, in conjunction with others, the building or works described above and to certify such design. I further confirm that I am a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969 and that I am competent to carry out my design and to coordinate the design of others for the building or works concerned.</p>	
<p>4. I confirm that the plans, calculations, specifications, ancillary certificates and particulars included in the schedule to the 7 Day Notice to which this certificate is relevant, and which have been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, have been prepared to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned.</p>	
<p>5. I certify, having exercised reasonable skill, care and diligence, that, having regard to the plans, calculations, specifications and particulars which have been prepared by me and others and having relied on ancillary certificates and particulars referred to at 4 above, 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 or works concerned.</p>	
<p>Signature: _____ Date: _____</p>	
<p>Person's Name: _____ Registration No.: _____</p>	
<p>On behalf of: _____ (company name where relevant)</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Practice registration number (where relevant): _____</p>	

(Article 20A)

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER (Notice of Assignment of Person Assigned to Inspect and Certify Works)	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
1. This notice of assignment relates to the following building or works: _____ _____	
2. As the building owner, I have assigned the following person as Assigned Certifier, being a person named on a register maintained pursuant to Part 3 or Part 5 of the Building Control Act 2007 or Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. I am satisfied having regard to the Code of Practice for Inspecting and Certifying Buildings and Works that the person so assigned is competent to inspect the building or works and to coordinate the inspection work undertaken by others, and to certify the building or works for compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the building or works concerned. Name: _____ Qualification(s): _____ Registration No.: _____ On behalf of: _____ (Company/Practice name where relevant) Address: _____ _____ Tel: _____ Fax: _____ Email: _____ Practice registration number (where relevant): _____	
3. Any requests under the Building Control Act 1990 for plans, documents, specifications and other information, as may be necessary to show that the building or works, if built in accordance with the design proposed, will comply with the requirements of the Building Regulations, may be directed to the person so assigned.	
4. I undertake to notify the Building Control Authority in writing of any change in the person assigned to inspect and certify the building or works as notified herein.	
Building Owner's Signature: _____ Date: _____	

(Article 20A)

UNDERTAKING BY ASSIGNED CERTIFIER Form of Certificate of Compliance	
Building Control Authority: 	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. In accordance with the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I undertake to use reasonable skill, care and diligence, to inspect the building or 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 Second Schedule to the Building Regulations insofar as they apply to the building or works to which the accompanying 7 Day Notice together with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule thereto refer.</p>	
<p>Signature: _____ Date: _____</p>	
<p>Person's Name: _____ Registration No.: _____</p>	
<p>On behalf of: _____ (company name where relevant)</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Practice registration number (where relevant): _____</p>	

(Article 20A)

NOTICE OF ASSIGNMENT OF BUILDER	
Building Control Authority: _____ 	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This notice of assignment relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. As the building owner, I have assigned the following person as Builder of the building or works and I am satisfied that they are competent to undertake the works so assigned on my behalf.</p> <p>Builder's Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>_____</p> <p>Tel.: _____ Fax: _____ Email: _____</p> <p>Construction Industry Register Ireland registration number (where applicable): _____</p>	
<p>3. I undertake to notify the Building Control Authority in writing of any change in the person assigned as Builder of the building or works as notified herein.</p>	
<p>Building Owner's Signature: _____ Date: _____</p>	

(Article 20A)

UNDERTAKING BY BUILDER FORM OF CERTIFICATE OF COMPLIANCE	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
<p>1. This certificate relates to the following building or works:</p> <p>_____</p> <p>_____</p>	
<p>2. I confirm that I have been commissioned by the building owner to undertake the works described above and that I am competent to undertake the works concerned. I further undertake to ensure that any persons employed or engaged by me to undertake any of the works involved will be competent to undertake such works.</p>	
<p>3. I undertake to construct the building or works in accordance with the plans, calculations, specifications, ancillary certificates and particulars listed in the schedule to the 7 Day Notice to which this undertaking refers and certified under the Form of Certificate of Compliance (Design), or as subsequently issued to me and certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Buildings and Works.</p>	
<p>4. Having regard to the Code of Practice for Inspecting and Certifying Buildings and Works, or equivalent, I further undertake to cooperate with the inspections set out in the inspection plan prepared by the Assigned Certifier and to take all reasonable steps so as to ensure that I shall certify that 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 or works concerned.</p>	
<p>Signature: _____ Date: _____</p>	
<p>(where the signatory is an employee) On behalf of: _____</p>	
<p>Name: _____</p>	
<p>Address: _____</p> <p>_____</p>	
<p>Tel: _____ Fax: _____ Email: _____</p>	
<p>Construction Industry Register Ireland registration number (where applicable): _____</p>	

1

*Article 20A(2)***FORM OF 7 DAY NOTICE STATUTORY DECLARATION****Building Control Acts 1990 and 2007****7 Day Notice Statutory Declaration****OFFICIAL USE****Building Control Authority:**

	Date Received	_____
_____	Register Ref.	_____
	Entered on	_____
	Entered by	_____
	Fee Received	_____

I / We

of

do solemnly and sincerely declare that I / we have made an application to the above Building Control Authority for a Fire Safety Certificate in respect of works commencing not less than 7 days from this date.

Description of works:

located at

pursuant to Article 12 of the Building Control Regulations 1997 to 2009 and I / we solemnly declare that the application has been completed in full and complies in all respects with the relevant provisions of the Building Control Regulations.

I / We further solemnly declare that any works that have commenced before the grant of the Fire Safety Certificate will comply fully with the Building Regulations and I / we will, within such period as may be specified by the Building Control Authority, carry out any modification of such works that is required by or under the Fire Safety Certificate, including any condition(s) attached to the Fire Safety Certificate when granted by the Building Control Authority.

Signed:

Date:

Signed in the presence of Commissioner of Oaths:—

Name:

Address:

Signature:

Commissioner of Oaths

Warning: It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.

*Article 20A(2)***FORM OF APPLICATION FOR A REVISED FIRE SAFETY CERTIFICATE**

Building Control Acts 1990 and 2007
Application for a Revised Fire Safety Certificate

OFFICIAL USE

Building Control Authority:

_____	Date Received	_____
_____	Register Ref.	_____
_____	Entered on	_____
_____	Entered by	_____
_____	Fee Received	_____

Application is hereby made under Part IIIA of the Building Control Regulations 1997 to 2009 for a Revised Fire Safety Certificate in respect of proposed works or building to which the accompanying plans, calculations and specifications apply.

Original Fire Safety Certificate application Reference No.:

Reason for Revised Fire Safety Certificate application:

Planning Permission Reference No.:

1. APPLICANT: Owner / Leaseholder (delete as appropriate)

FULL NAME:

ADDRESS:

SIGNATURE:

TELEPHONE No.:

DATE:

Owner of works or building (if different to above):

NAME:

ADDRESS:

2. Name and address of person/s or firm/s to whom notifications should be forwarded (Owner/Leaseholder or Designer/Developer/Builder):

3. Name and address of person/s or firm/s responsible for preparation of accompanying plans, calculations and specifications.

4. Address (or other necessary identification) of the proposed works or building to which the application relates.

5. Description of changes to the proposed works or building from original application (i) arising from the granting of planning permission or (ii) from the Fire Safety Certificate granted.

6. Site area	Original Applica- tion	Revised Application
Number of basement storeys	_____	_____
	(sq. metres)	(sq. metres)
Number of storeys above ground level	_____	_____
Height of top floor above ground level	_____	_____
	(metres)	(metres)
Floor area of building	_____	_____
	(sq. metres)	(sq. metres)
Total area of ground floor	_____	_____

	(sq. metres)	(sq. metres)
7. Amount of Fee (accompanying this application) €		
<i>Revised set of working drawings must accompany this application.</i>		

Article 20C(2)

FORM OF APPLICATION FOR A REGULARISATION CERTIFICATE

Building Control Acts 1990 and 2007
Application for a Regularisation Certificate

	OFFICIAL USE	
Building Control Authority:	Date Received	_____
_____	Register Ref.	_____
	Entered on	_____
	Entered by	_____
	Fee Received	_____

Application is hereby made under Part IIIA of the Building Control Regulations 1997 to 2009 for a Regularisation Certificate in respect of the works or building to which the accompanying drawings apply.

1. APPLICANT: Owner / Leaseholder (delete as appropriate)

FULL NAME: _____

ADDRESS: _____

SIGNATURE: _____

TELEPHONE No.: _____ DATE: _____

Owner of works or building (if different to above): _____

2. Location of works or building: _____

3. Classification of works or building

Construction of new building	<u>YES</u> <u>NO</u>
Material alteration	<u>YES</u> <u>NO</u>
Material change of use	<u>YES</u> <u>NO</u>
Extension to a building	<u>YES</u> <u>NO</u>

4. Description of works or building: _____

5. Where a change of use applies:

(a) Existing use _____

(b) New use _____

6. Works involving the construction of a new building, or a building the material use of which is being changed—

(a) Number of basement storeys	_____	_____
(b) Number of storeys above ground level	_____	_____

(c) Height of top floor above ground level	_____	(metres)
(d) Floor area of building	_____	(sq. metres)
(e) Total area of ground floor	_____	(sq. metres)

7. Works involving an extension or the material alteration of a building:

Floor area of extension	_____	(sq. metres)
Floor area of material alteration	_____	(sq. metres)

8. Planning Permission for the works or building in question:

Date Planning Permission was granted: _____

Planning Reference No.: _____

9. Date construction started: _____

Is construction of the building completed?: YES NO

Date of completion: _____

Is the building occupied or operational?: YES NO

Is the building still under construction?: 25% 50% 75%

Have any modifications to the original design been made during construction?: YES NO

If yes, was planning permission sought (if necessary) for the modifications?: YES NO

10. Amount of Fee (accompanying this application) € _____

Note:—

1. This Application Form for a Regularisation Certificate must be accompanied by a Statutory Declaration.

2. This Application Form must be accompanied by a complete and certified set of drawings for the works or building as commenced or constructed.

Article 20C(2)

FORM OF STATUTORY DECLARATION FOR A REGULARISATION CERTIFICATE

Building Control Acts 1990 and 2007

Regularisation Certificate Statutory Declaration

	OFFICIAL USE
Building Control Authority:	
_____	Register Ref.
I/We	
of	

do solemnly and sincerely declare that the drawings, documents and information supplied in relation to the attached application for a Regularisation Certificate for the building as constructed or in respect of works already carried out to date:

pursuant to article 20C of the Building Control Regulations 1997 to 2009 are true and accurate and that the works comply fully with Part B (Fire Safety) of the Second Schedule to the Building Regulations.

I/We solemnly declare to agree to inspection of the works/building by the Building Control Authority in carrying out its functions under the Act.

I/We solemnly declare to abide by any conditions, including conditions to carry out additional work considered appropriate by the Building Control Authority necessary to enable the Authority to issue a Regularisation Certificate.

I/We accept that where the conditions attached to the Regularisation Certificate are not fully complied with to the satisfaction of the Building Control Authority within a period of 4 months from the date of issue of the Regularisation Certificate, the Certificate shall not have effect.

Signed:

Date:

Signed in the presence of Commissioner of Oaths:-

Name:

Address:

Signature:

Commissioner of Oaths

Warning: It is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.

Article 20D(3)

FORM OF APPLICATION FOR A DISABILITY ACCESS CERTIFICATE

Building Control Acts 1990 and 2007

Application for a Disability Access Certificate

OFFICIAL USE

Building Control Authority:

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

Fee Received _____

Application is hereby made under Part IIIB of the Building Control Regulations 1997 to 2009 for a Disability Access Certificate in respect of the works or building to which the accompanying plans, calculations and specifications apply.

1. APPLICANT: **Owner / Leaseholder** (delete as appropriate)

FULL NAME:

ADDRESS:

SIGNATURE:

TELEPHONE NO.:

DATE:

Owner of works or building (if different to above):

FULL NAME:

ADDRESS:

2. Name and address of person/s or firm/s to whom notifications should be forwarded (Owner/Leaseholder or Designer/Developer/Builder):

3. Name and address of person/s or firm/s responsible for preparation of accompanying plans, calculations and specifications:

4. Address (or other necessary identification) of the proposed works or building to which the application relates:

5. Classification of works or building:

Construction of new building YES NO

Material alteration YES NO

Material change of use YES NO

Extension to a building YES NO

Brief description of building:

6. Use of proposed works or building:

(a) Existing use (where a change is proposed)

(b) New use

7. Has planning permission been applied for and granted for works or building?:

(a) Date permission was granted

(b) Planning Permission No.

8. In the case of

(a) Works involving the construction of a building, or a building the material use of which is being changed —

Site area _____ (sq. metres)

Number of basement storeys _____

Number of storeys above ground level _____

Height of top floor above ground level _____ (metres)

Floor area of building _____ (sq. metres)

Total area of ground floor _____ (sq. metres)

(b) Works involving an extension or the material alteration of a building:

Floor area of building extension _____ (sq. metres)

Floor area of material alteration _____ (sq. metres)

9. Amount of Fee (accompanying this application) € _____

This Application Form must be accompanied by a complete and certified set of drawings for the works or building.

Article 20E(2)

FORM OF APPLICATION FOR A REVISED DISABILITY ACCESS CERTIFICATE

Building Control Acts 1990 and 2007

Application for a Revised Disability Access Certificate

OFFICIAL USE

Building Control Authority:

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

Fee Received _____

Application is hereby made under Part IIIB of the Building Control Regulations 1997 to 2009 for a Revised Disability Access Certificate in respect of proposed works or building to which the accompanying plans, calculations and specifications apply.

Original Disability Access Certificate application Reference No.:

Reason for Revised Disability Access Certificate application:

Planning Permission Reference No.:

1. APPLICANT: Owner / Leaseholder (delete as appropriate)

FULL NAME:

ADDRESS:

SIGNATURE:

TELEPHONE No.:

DATE:

Owner of works or building (if different to above):

NAME:

ADDRESS:

2. Name and address of person/s or firm/s to whom notifications should be forwarded (Owner/Leaseholder or Designer/Developer/Builder):

3. Name and address of person/s or firm/s responsible for preparation of accompanying plans, calculations and specifications:

4. Address (or other necessary identification) of the proposed works or building to which the application relates:

5. Description of changes to the proposed works or building from original application:

6. Site area	<u>Original Application</u>	<u>Revised Application</u>
Number of basement storeys	_____	_____
	(sq. metres)	(sq. metres)
Number of storeys above ground level	_____	_____
Height of top floor above ground level	_____	_____
	(metres)	(metres)
Floor area of building	_____	_____
	(sq. metres)	(sq. metres)
Total area of ground floor	_____	_____
	(sq. metres)	(sq. metres)
7. Amount of Fee (accompanying this application) € _____		

Revised set of working drawings must accompany this application.]

Annotations

Amendments:

- F69** Substituted (1.04.2000) by *Building Control (Amendment) Regulations 2000* (S.I. No. 10 of 2000), art. 8, in effect as per art. 2.
- F70** Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 22, in effect as per art. 2.
- F71** Substituted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 16, in effect as per art. 2.

Editorial Notes:

- E18** Some of the material inserted above, being graphic images, does not appear in brown as would normally be the case for amendments.
- E19** Previous affecting provision: schedule substituted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 12, in effect as per art. 2; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

FOURTH SCHEDULE

Article 18

FORM OF FIRE SAFETY CERTIFICATE

BUILDING CONTROL ACT, 1990

FIRE SAFETY CERTIFICATE

Reference No. in Register _____

Name of Building Control Authority _____

To _____

Address _____

Applications for a fire safety certificate (Ref No.) for _____¹at _____²

_____ ³ hereby certify that the works or building to which the application relates, will, if constructed in accordance with the plans, calculations specifications and particulars submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997. In considering the application, no assessment has been made as to whether the works or building will comply with the other requirements of the Second Schedule to the Buildings Regulation, 1997. This certificate is granted subject to the following conditions—

Dated this _____ day of _____ 19 _____

Signed _____

County Secretary/Town Clerk ⁴

Directions for completing this form

¹ Indicate nature of works or building to which application applies² Indicate address of works or building.³ Insert name of building control authority.⁴ Delete words which do not apply.

F72[Article 20B(6)]

FORM OF REVISED FIRE SAFETY CERTIFICATE**Building Control Acts 1990 and 2007****Revised Fire Safety Certificate****OFFICIAL USE****Building Control Authority:**

Register Ref. _____

To. _____ (Applicant)

Address _____

Application for a Revised Fire Safety Certificate (Ref. No. _____) for:

*(1) _____

*(2) _____

*(3) _____

hereby certify that the works or building to which the application relates, will, if constructed in accordance with the plans, calculations, specifications and particulars submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2008. In considering this application no assessment has been made to whether the works or building will comply with the other requirements of the Second Schedule to the Building Regulations 1997 to 2008. This certificate is granted subject to the following conditions—

Dated this ____ day of _____ 20____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

- (1) Indicate nature of works or building to which the application applies.
- (2) Indicate address of works or building.
- (3) Indicate name of Building Control Authority.
- (4) Delete words which do not apply.

Article 20C(7)

FORM OF REGULARISATION CERTIFICATE

Building Control Acts 1990 and 2007 Regularisation Certificate

OFFICIAL USE

Building Control Authority:

Register Ref. _____

To. _____ (Applicant)

Address _____

Application for a Regularisation Certificate (Ref. No. _____) for:

*(1) _____

*(2) _____

*(3) _____

hereby certify that in its opinion, the works as constructed in accordance with plans, documents and information submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2008. In considering the application, no assessment has been made as to whether the works or building will comply or is in compliance, as appropriate, with the other requirements of the Second Schedule to the Building Regulations 1997 to 2008. This certificate is granted subject to compliance with the following conditions: (if appropriate)

Dated this ____ day of _____ 20____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

- (1) Indicate nature of works or building to which the application applies.
- (2) Indicate address of works or building.
- (3) Indicate name of Building Control Authority.
- (4) Delete words which do not apply.

Article 20D(8)

FORM OF DISABILITY ACCESS CERTIFICATE

Building Control Acts 1990 and 2007

Disability Access Certificate

OFFICIAL USE

Building Control Authority:

Register Ref. _____

To. _____ (Applicant)

Address _____

Application for a Disability Access Certificate (Ref. No. _____) for:

*(1) _____

*(2) _____

*(3) _____

hereby certify that the works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, would comply

with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2008. In considering this application no assessment has been made as to whether the works or building would comply with the other requirements of the Second Schedule to the Building Regulations 1997 to 2008. This certificate is granted subject to the following conditions –

Dated this ____ day of _____ 20____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

- (1) Indicate nature of works or building to which the application applies.
- (2) Indicate address of works or building.
- (3) Indicate name of Building Control Authority.
- (4) Delete words which do not apply.

Article 20E(5)

FORM OF REVISED DISABILITY ACCESS CERTIFICATE

Building Control Acts 1990 and 2007

Revised Disability Access Certificate

OFFICIAL USE

Building Control Authority:

Register Ref. _____

To. _____ (Applicant)

Address _____

Application for a Revised Disability Access Certificate (Ref. No. _____) for:

*(1) _____

*(2) _____

*(3) _____

hereby certify that the works or building to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, would comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997 to 2008. In considering this application no assessment has been made as to whether the works or building would comply with the other requirements of the Second Schedule to the Building Regulations 1997 to 2008. This certificate is granted subject to the following conditions—

 Dated this ____ day of _____ 20____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

- (1) Indicate nature of works or building to which the application applies.
- (2) Indicate address of works or building.
- (3) Indicate name of Building Control Authority.
- (4) Delete words which do not apply.]

Annotations

Amendments:

F72 Inserted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 23, in effect as per art. 2.

F73[Article 24

FIFTH SCHEDULE

Fees

Part A

Column 1	Column 2
Application for a relaxation or dispensation	Dwelling €125 Other Buildings €250
Commencement Notice	€30 or, where— (a)the proposed works or the material change of use (as the case may be) relate to more than one building, and (b)neither Part III, nor Part III of the Building Control Regulations 1991 and 1994, apply to such works or buildings, €30 in respect of each building.
Application for Fire Safety Certificate or a revised Fire Safety Certificate in respect of (a) work in connection with the construction or extension of a building	€125, or €2.90 for each square metre of floor area being provided, whichever is the greater.

<p>(b) work in connection with—</p> <p>(i) the material alteration of the interior of a building</p> <p>(ii) the material alteration of the external surfaces of a building</p> <p>(iii) a combination of (i) and (ii) above</p> <p>(c) a building in which a material change of use takes place</p> <p>(d) works on a building, where the building concerned will be used as an agricultural building</p>	<p>€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.</p> <p>€125</p> <p>€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.</p> <p>€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.</p> <p>€65, or 80c for each square metre in excess of 300 square metres of—</p> <p>(i) gross floor area being provided, or</p> <p>(ii) relevant floor area</p> <p>as the case may be, whichever is the greater.</p>
<p>Submission of a 7 Day Notice in respect of</p> <p>(a) work in connection with the construction or extension of a building</p> <p>(b) work in connection with—</p> <p>(i) the material alteration of the interior of a building</p> <p>(ii) the material alteration of the external surfaces of a building</p> <p>(iii) a combination of (i) and (ii) above</p> <p>(c) a building in which a material change of use takes place</p> <p>(d) works on a building, where the building concerned will be used as an agricultural building</p>	<p>€250, or €5.80 for each square metre of floor area being provided, whichever is the greater.</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€250</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€130, or €1.60 for each square metre in excess of 300 square metres of—</p> <p>(i) gross floor area being provided, or</p> <p>(ii) relevant floor area</p> <p>as the case may be, whichever is the greater.</p>
<p>Application for a Regularisation Certificate in respect of</p> <p>(a) work in connection with the construction or extension of a building</p> <p>(b) work in connection with—</p> <p>(i) the material alteration of the interior of a building</p> <p>(ii) the material alteration of the external surfaces of a building</p> <p>(iii) a combination of (i) and (ii) above</p> <p>(c) a building in which a material change of use takes place</p> <p>(d) works on a building, where the building concerned will be used as an agricultural building</p>	<p>€500, or €11.60 for each square metre of floor area being provided, whichever is the greater.</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€500</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€260, or €3.20 for each square metre in excess of 300 square metres of—</p> <p>(i) gross floor area being provided, or</p>

	(ii) relevant floor area as the case may be, whichever is the greater.
Disability Access Certificate or Revised Disability Access Certificate	F74[€800 per building, or €500 per building where the application is made prior to commencement and coincides with an application for a fire safety certificate, where relevant]
Appeal	€250
Copy of a document specified in article 23(3)(a), (b) or (c)	€12.50

PART B

Maximum and Minimum Fees

1. The maximum fee payable to a building control authority shall be—

- (a) €3,800 in respect of the submission of a commencement notice,
- (b) €12,500 in respect of an application for a fire safety certificate or a revised fire safety certificate,
- (c) €25,000 in respect of the submission of a 7 day notice,
- (d) €50,000 in respect of an application for a regularisation certificate, and
- (e) €800 in respect of an application for a disability access certificate or a revised disability access certificate.

2. Where a building control authority makes a refund in respect of the submission of a commencement notice or an application for a fire safety certificate or a revised fire safety certificate, the submission of a 7 day notice, a regularisation certificate, a disability access certificate or a revised disability access certificate, the refund shall not be such as to reduce the balance of the fee to less than—

- (a) €30 in the case of a commencement notice, or
- (b) €125 in respect of an application for a fire safety certificate or revised fire safety certificate,
- (c) €250 in respect of the submission of a 7 day notice,
- (d) €500 in respect of a regularisation certificate,
- (e) F75[€500] in respect of a disability access certificate or a revised disability access certificate.]

Annotations**Amendments:**

- F73** Substituted (1.10.2009) by *Building Control (Amendment) Regulations 2009* (S.I. No. 351 of 2009), art. 24, in effect as per art. 2.
- F74** Substituted (1.07.2015) by *Building Control (Amendment) Regulations 2015* (S.I. No. 243 of 2015), art. 4(a), in effect as per art. 2.
- F75** Substituted (1.07.2015) by *Building Control (Amendment) Regulations 2015* (S.I. No. 243 of 2015), art. 4(b), in effect as per art. 2.

Editorial Notes:

- E20** Previous affecting provision: schedule amended (1.01.2002) by *Euro Changeover (Amounts) Act 2001* (16/2001), s. 1(1) and (2), and schs. 1 and 2, commenced as per s. 1.
- E21** Previous affecting provision: schedule inserted (1.03.2014) by *Building Control (Amendment) Regulations 2013* (S.I. No. 80 of 2013), art. 13; revoked on that date (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 18, in effect as per art. 2.

F76[SIXTH SCHEDULE

CERTIFICATE OF COMPLIANCE ON COMPLETION

(Article 20F)

CERTIFICATE OF COMPLIANCE ON COMPLETION	
Building Control Authority: _____	Unique Identifier: _____ <i>(for official use only)</i>
1. This certificate relates to Commencement / 7 Day Notice reference no. _____ in respect of the following building or works: _____	
Part A — Certificate signed by Builder	
2. I confirm that I am the Builder assigned by the owner to construct, supervise and certify the building or works.	
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, calculations, specifications, ancillary certificates and particulars as certified under the Form of Certificate of Compliance (Design) and listed in the schedule to the Commencement / 7 Day Notice relevant to the above building or works, together with such further plans, calculations, specifications, ancillary certificates and particulars, if any, as have been subsequently issued to me and certified and submitted to the Building Control Authority, and such other documents relevant to compliance with the requirements of the Second Schedule to the Building Regulations as shall be retained by me as outlined in the Code of Practice for Inspecting and Certifying Buildings and Works.	
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.	
Signature: _____ Date: _____ (to be signed by a Principal or Director of a Building Company only)	
Name: _____	
Address: _____	
Tel: _____ Fax: _____ Email: _____	
Construction Industry Register Ireland registration number (where applicable): _____	
Part B — Certificate signed by Assigned Certifier	
5. I confirm that I am the Assigned Certifier assigned by the owner to inspect and certify the building or works concerned.	
6. Plans, calculations, specifications and ancillary certificates and particulars as required for the purposes of Part IIIC of the Building Control Regulations are included in the Annex (see attached).	
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 to the Building Regulations, insofar as they apply to the building or works concerned.	
Signature: _____ Date: _____ Registration No.: _____ (where the signatory is an employee) On behalf of: _____	
Name & Address: _____	
Tel: _____ Fax: _____ Email: _____	
Practice registration number (where relevant): _____	

ANNEX

Table of Plans, Calculations, Specifications, Ancillary Certificates and Particulars used for the purpose of construction and demonstrating compliance with the requirements of the Second Schedule to the Building Regulations and showing, in particular how the completed building or works differ from the design submitted to the Building Control Authority prior to construction.

(Details of relevant plans, etc. may be listed below and attached hereto)]

Annotations**Amendments:**

- F76** Inserted (1.03.2014) by *Building Control (Amendment) Regulations 2014* (S.I. No. 9 of 2014), art. 17, in effect as per art. 2.

Editorial Notes:

- E22** The graphic image inserted above does not appear in brown as would normally be the case for amendments.