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An Ghníomhaireacht
Tithíochta
The Housing Agency

Interim Remediation Scheme for Fire Safety Defects in Eligible Apartments and Duplexes

Applicant Pack (Phase 2)

Guidance Document

Interim Remediation Scheme for Fire Safety Defects in Eligible Apartments and Duplexes

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Amendments and Corrections issued since Distribution

Applicant Pack Phase 2

Amd. No.	Text affected
1	To be populated after amendmends and corrections accepted.

Contents

1. Background.	5
2. Purpose of this Applicant Pack Guidance Document.	5
3. Scope of the Interim Remediation Scheme.	6
4. How the Interim Remediation Scheme process will work.	8
5. Engagement with the LAFS.	9
6. Funding.	10
7. Selection of a Competent Professional (CP).	11
8. Templates and Guidelines.	11
9. Selection of a Competent Builder (CB).	12
10. Documentation to be submitted for Eligibility Assessment	13
11. Notification and Commencement of Interim Remedial Works.	14
12. Carrying Out Interim Remedial Works.	14
13. Implementation of the Inspection Plan.	14
14. CB's Supervision of Works.	15
15. Completion of Interim Remedial Works.	15
16. Useful Links and Other Publications.	16
17. List of Abbreviations.	17

Appendices (accompanying Applicant Pack)

Appendix A: *OMCs & Tax Clearance Guidance Document.*

Appendix B: *FSRA Template.*

Appendix C: *Code of Practice for the Remediation of Fire Safety Defects (December 2023).*

Appendix D: *Interim RWP & Pricing Schedule Template.*

Appendix E: *Notification of Interim Remediation of Fire Safety Defects.*

Appendix F: *Certificate of Interim Remediation Fire Safety Defects.*

Appendix G: *Sample Inspection Plan.*

Appendix H: *Engagement with the LAFS.*

1. Background.

In January 2023, the Minister for Housing, Local Government and Heritage Darragh O'Brien T.D announced plans to draft legislation to support the remediation of apartments and duplexes with fire safety, structural safety and water ingress defects, constructed between 1991 and 2013. The proposed legislation will provide a statutory basis for the establishment of an Apartment and Duplex Defects Remediation Scheme aimed at protecting the safety and welfare of those living in apartments or duplexes with such defects. The scope, eligibility criteria and conditions of the Remediation Scheme will ultimately depend on the legislation that is passed by the Houses of the Oireachtas and signed into law by the President.

Given the overall potential scale and estimated cost associated with rectifying these issues, it is likely that it will take a number of years to remediate all affected buildings. Resources and works, therefore, will need to be prioritised. Acknowledging this and considering that interim measures might be necessary in certain instances to ensure an acceptable standard of fire safety in buildings before the comprehensive completion of remedial works, the Government has introduced an Interim Remediation Scheme for fire safety defects, on an administrative basis.

2. Purpose of this Applicant Pack Guidance Document.

This Applicant Pack document provides a guide for applicants to the Interim Remediation Scheme setting out the main aspects of the processes and procedures that will apply during the operation of the interim Scheme.

2.1 Non legally binding

This Applicant Pack and related appendices, for the avoidance of doubt, do not constitute, acceptance nor shall they give rise to any legally binding or enforceable obligation on The Housing Agency. No contract or agreement shall be deemed to exist between the parties unless and until the Grant Agreement has been executed by all parties, delivered, exchanged and dated by The Housing Agency.

2.2 Change

The contents of this Applicant Pack and its appendices are subject to further amendment and change and The Housing Agency reserves the right to make such amendments and changes as required in furtherance of its objective and statutory purpose.

3. Scope of the Interim Remediation Scheme.

3.1 Eligible Properties

Only apartments and duplexes built between 1st January 1991 and 28th February 2014 will qualify for the scheme. The scheme will provide for the funding of eligible emergency fire safety defect works in order to provide an acceptable level of fire safety in buildings, pending completion of the full remedial works.

Full remedial works, which will include all necessary fire safety measures as well as those related to water ingress and structural damage, will be funded under the statutory scheme that will be legislated for in 2024.

The scheme applies only if the defects were caused by defective design, workmanship or materials that breached the Building Regulations that applied when the apartments and duplexes were built.

The scheme does not cover instances where apartments and duplexes have been specifically designed for a particular purpose, such as purpose-built student accommodation, hostels, nursing homes, etc.

The scheme will not cover defects that came about because:

- The apartments and duplexes were not adequately maintained.
- Sinking funds did not plan funding to replace building and safety systems when they expired.
- Later building work undertaken by the Owners' Management Company (OMC) or its agents was not managed correctly and this led to defects.

3.2 Eligible Works

In general, the purpose of these interim measures will be to provide an acceptable level of fire safety in the building, pending completion of the full remedial works. Interim measures, which would constitute eligible works, may include, but are not limited to, the following construction works and fire safety management procedures:

- An enhanced fire detection and alarm system, either by expanding existing central systems, and/or providing self-contained battery-operated smoke or heat alarms.
- Provision of fire wardens, in extreme cases.
- Management of fire safety, for example:
 - Ensure escape routes are safe, clear, readily available for use and provided with adequate emergency lighting.

- Ensure that emergency fire procedures for the building are in place and engage with residents to ensure that they are fully aware of fire safety measures and evacuation procedures.
 - Notices to explain the fire safety measures and evacuation procedures (in different languages as appropriate)
 - The frequency of drills/inspections to test fire safety measures and evacuation procedures and recording same in a fire safety register.
- Undertake regular checks to ensure that:
 - Doors close properly to prevent spread of fire and smoke.
 - Escape routes are clear and free from trip hazards.
 - There is no storage of articles in escape routes.
- To prevent storage of combustible materials (such as refuse) in the vicinity of the building, at ground level or on balconies – for example, by using barriers, and/or by issuing instructions to occupants, and engaging with owners/occupiers of any commercial units within the building to minimize the risks between different building occupants.
- Engagement with owners/occupiers of any commercial units within the building to minimize the risks of divergence in approaches to fire safety between different building occupants.
- Check that all entrance doors to individual apartments, and doors that open onto escape corridors and stairways, are fire resisting and effectively self-closing against any latch resistance.
- Obtain, and where necessary update, current certification for existing fire safety systems.
- Ensure that gas and electrical installations are checked by a Competent Professional (CP) for compliance with current standards.
- Closure of part(s) of the premises identified in the risk assessment as presenting a serious hazard.
- Install temporary fire resisting construction.
- Provide fixed extinguishing equipment.
- Checking that all facilities provided for the fire service, including fire-fighting lifts and dry or wet rising mains are in proper working order and certified.
- Other relevant, specific proposals.

4. How the Interim Remediation Scheme process will work.

Only the OMC, or the Authorised Person No.1 (a person nominated by the OMC who may act on behalf of the OMC) of an affected multi-unit development may make an application. The application, post application preparation of documentation, works approval and funding mechanisms can be summarised as follows:

- A. Phase 1 – The OMC submits the application to The Housing Agency, providing development particulars and authorised contact information.
- B. Phase 2 – The Housing Agency issues a Confirmation of Validity and assigns a Case Number. Included in this confirmation is an Applicant Pack that details the subsequent steps.
- C. Phase 3 – The OMC coordinates the following:
 - Selection and engagement of a CP for the discovery of fire safety defects and identification of necessary works.
 - The CP will complete a Fire Safety Assessment (FSA) and a Fire Safety Risk Assessment (FSRA). They will also prepare a proposed Interim Remediation (Fire Safety) Works Plan, a Full Remediation (Fire Safety) Works Plan, and Tier and Methodology proposals, subject to engagement with Local Authority Fire Services (LAFS).
 - Seek tenders from Competent Builders (CBs) to determine the cost of the interim measures through Public Works Contracts (Building Works designed by the Employer).
- D. Phase 4 – The OMC will submit the suite of documents listed in Section 10 of this Guidance Document to The Housing Agency for eligibility assessment and assessment of provisional funding approval under the Interim Remediation Scheme.
- E. Phase 5 – The Housing Agency, upon completion of the eligibility and funding assessment, initiates the issuing of a Grant Agreement for the OMC's review, signature, and subsequent return. By signing the Grant Agreement, the OMC will agree to the terms and conditions specified in the Grant Agreement.
- F. Phase 6 – The Housing Agency, upon receipt of the signed Grant Agreement from the OMC, confirms funding approval, enabling the commencement of interim fire safety works. A countersigned copy of the Grant Agreement will be returned to the OMC.

G. Phase 7 – The OMC proceeds to initiate interim remedial works onsite with a CB under the supervision of the CP, in accordance with the particulars submitted during Phase 4 and as outlined in the Grant Agreement.

Phase 8 – The OMC provides the Housing Agency with the necessary certificates and supporting documentation outlined in the 'Completion of Interim Remedial Works' section (Section 15).

5. Engagement with the LAFS.

The CP is responsible for preparing the Fire Safety Assessment (FSA) and the Fire Safety Risk Assessment (FSRA). Detailed guidance on the documentation requirements for the CP prior to submission to the LAFS is provided in Appendix H.

It is crucial to recognise that while these interim measures may suffice in the short term to enable the continued use of the building, they should not be considered a long-term solution. Nevertheless, in some instances, the interim measures may become part of the overall long-term solution for the building.

The purpose of interim measures is to achieve an acceptable level of fire safety in the building until the completion of full remedial works.

When proposing interim fire safety measures, the OMC and the CP must engage with the LAFS, which may exercise its powers under the Fire Services Acts 1981 and 2003.

The extent of engagement with the LAFS will vary for each applicant. The engagement process with the LAFS may take a form such as the following:

1. CP to submit to the LAFS a Fire Safety Assessment (FSA) and a Fire Safety Risk Assessment (FSRA). They will also submit a proposed Interim Remediation (Fire Safety) Works Plan, a Full Remediation (Fire Safety) Works Plan, and Tier and Methodology proposals to the LAFS. The Housing Agency's Phase 2 Letter to the OMC must be included in this submission, as it provides key information regarding the MUD and the Authorised Person No. 1.
2. LAFS will review the submission. It is likely that some negotiation will be required between the LAFS and CP to finalise the interim measures. In the absence of agreement, the LAFS will determine the most appropriate interim measures required.

3. If the LAFS has no objection to the proposed interim remediation measures outlined in the submitted documentation, it will issue an official notification to the OMC / CP. This notification is a crucial document to the OMC's Phase 4 submission to The Housing Agency. LAFS will send a copy of this notification to The Housing Agency.

6. Funding.

It is intended that, in principle, full funding will be provided for all eligible works necessary to achieve an acceptable level of fire safety in the building, pending completion of the full remedial works. To ensure value for money and good governance regarding Exchequer funding, appropriate terms and conditions will apply to such funding. The details of these terms and conditions will be explained in the Grant Agreement. A sample Grant Agreement is included in this guidance document.

After the eligibility assessment is completed, The Housing Agency will start the process of issuing a final Grant Agreement for review by the OMC. The OMC is required to sign the agreement, acknowledging and accepting the terms and conditions specified in the Grant Agreement, before returning it.

It is anticipated that upon the OMC's signing of the Grant Agreement, the OMC will be eligible to request payment or reimbursement for up to 40% of the CP's professional fee. This applies to works that would have been completed by the CP to facilitate the Phase 4 submission. The funding of the remaining CP professional fee outstanding will follow the table below based on the Project Costs. Please be advised that the OMC is responsible for retaining a retention sum, following guidance provided by the CP.

The funding structure during the interim remedial works conducted by the CB is outlined as follows:

Project Costs (excl. VAT)	Funding Request
Up to and including €100,000	During Phase 8, on completion of the Interim Remediation (Fire Safety) Works Plan, the OMC is tasked with initiating a payment or reimbursement request. Payments will be subject to the conditions set out in the Grant Agreement.
Greater than €100,000	During Phase 7, when the works are ongoing, the OMC may initiate a payment or reimbursement request. This request must be accompanied by the CP's recommendation for Interim

	Payment, substantiated by a supporting valuation of the completed works by CB. Payments will be subject to the conditions set out within the Grant Agreement.
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To facilitate the receipt of payments from a public body, an OMC will need to furnish proof of Tax Clearance Certificate as part of Phase 5. Refer to the guidance document in the appendices for detailed instructions on meeting this requirement.

Appendix A: OMCs & Tax Clearance Guidance Document

7. Selection of a Competent Professional (CP).

This section is under review.

The Competent Professional (CP) serves as the Principal Service Provider, responsible for contract and project management of fire safety remediation works in compliance with the Code of Practice (COP) for the Remediation of Fire Safety Defects, issued by the Department of Housing, Local Government and Heritage (DHLGH).

A Competent Professional will be appointed through an established Dynamic Purchasing System, where the OMC has registered as a Contracting Authority on the eTenders Platform. Under this model, the OMC is required to carry out only one public procurement process – the appointment of a CP. Once engaged, the CP will manage the subsequent phases of the Interim Remediation Scheme, including the procurement and appointment of a Competent Builder (CB), as well as the project management and contract administration of the remedial works.

The CP/Principal Service Provider will act as the Employer's Representative under the COE-1 and the relevant Public Works Contract (Building Works Designed by the Employer).

8. Templates and Guidelines.

To ensure uniformity and compliance in the documentation submitted to both The Housing Agency and the LAFS, we have provided specific templates for your use. The successful completion of these templates by the appointed CP is essential for maintaining a standardised approach to the Interim Remediation Scheme.

8.1 Fire Safety Assessment (FSA)

The FSA should be carried out in accordance with the National Directorate for Fire & Emergency Management (NDFEM) Code of Practice for Fire Safety Assessment of Premises and Buildings. Additional guidance is provided in Appendix H.

8.2 Fire Safety Risk Assessment (FSRA)

Please use the attached FSRA template for preparing the assessment. Detailed guidelines on how to complete the FSRA are available in the Code of Practice (COP) document provided separately, with additional guidance in Appendix H. Ensure that the assessment follows the format and criteria specified the appendices below.

- Appendix B: FSRA Template
- Appendix C: Code of Practice (COP) for the Remediation of Fire Safety Defects (December 2023)
- Appendix H: Engagement with the LAFS

8.3 Interim Remediation (Fire Safety) Works Plan and Pricing Schedule

Attached is the template for the Interim *Remediation (Fire Safety) Works Plan* and Pricing Schedule. Before issuing this document for tender, it is imperative for the CP to coordinate with the LAFS.

This works plan should comprehensively outline the scope of the interim fire safety remedial works and the corresponding pricing schedule. Please carefully complete this template to provide a clear understanding of the proposed works and associated costs.

- Appendix D: Pricing Schedule Template

9. Selection of a Competent Builder (CB).

This section is under review.

The Competent Builder (CB) will be procured via eTenders in accordance with national and EU procurement rules. The CP will use the OGP's Capital Works Management Framework (CWMF), and the appropriate Public Works Contract (Building Works Designed by the Employer) will be implemented depending on the determined estimated construction costs.

Remedial works should be carried out by the CB and competent building subcontractors who have demonstrated an acceptable level of training, knowledge, skills and experience. Competence may be evidenced by registration on the Construction Industry Register Ireland (CIRI).

In addition to carrying out the works in accordance with the Interim Remediation (Fire Safety) Works Plan, the CB is required to supervise and maintain written and photographic records of the works in progress. The CB should also provide insight into typical aspects of remediation works that warrant closer supervision, helping to reduce the risk of non-compliances.

10. Documentation to be submitted for Eligibility Assessment (Phase 4).

In the Phase 4 Checklist and Declaration Template, the OMC is required to provide the documents and information specified below. This submission enables The Housing Agency to conduct an eligibility assessment for the project.

- Tender recommendation for the appointment of the CP.
- Letter of Appointment of the Competent Professional.
- Completed Fire Safety Assessment (FSA) and a Fire Safety Risk Assessment (FSRA). The agreed proposed Interim Remediation (Fire Safety) Works Plan, a Full Remediation (Fire Safety) Works Plan, and Tier and Methodology proposals.
- Official Notification from the LAFS.
- Tender recommendation for the appointment of the CB.
- Completed Pricing Schedule submitted by the CB.
- Preliminary programme of works with key milestone dates identified.
- Preliminary Inspection Plan.
- Tax Clearance Certificates for OMC, CP & CB.

The Housing Agency, upon completion of the eligibility assessment, initiates the issuing of a Grant Agreement for the OMC's review, signature, and subsequent return (Phase 5).

11. Notification and Commencement of Interim Remedial Works.

Prior to commencement of interim remedial works and following engagement with the LAFS a Notification of Interim Remediation of Fire Safety Defects form (Appendix E) should be issued to the LAFS by the OMC, or the CP on behalf of the OMC.

This notification will confirm to the LAFS the interim remedial works that are due to commence.

Both the Notification of Interim Remediation of Fire Safety Defects and the Certificate of Interim Remediation Fire Safety Defects (at completion stage) will be required to demonstrate compliance (Appendices E & F).

Notification of commencement of works must be copied to The Housing Agency at interim.remediation@housingagency.ie.

12. Carrying Out Interim Remedial Works.

The extent of interim remedial works required to address fire safety defects is collated in the Interim Remediation (Fire Safety) Works Plan with associated drawings and specifications.

Interim remedial work shall be completed in accordance with the Interim Remediation (Fire Safety) Works Plan.

The interim remedial works shall be inspected by the CP, specialist designers and specifiers in accordance with the coordinated Inspection Plan prepared prior to the commencement of the works.

13. Implementation of the Inspection Plan.

During the course of the interim remediation works the CP and specialist designers should conduct their inspections in accordance with the Inspection Plan (Appendix G). Additional inspections may be undertaken as necessary in response to issues arising during ongoing site works.

The Housing Agency or the LAFS may visit the site during the implementation of interim remedial works. The OMC may need to coordinate the presence of the CP and CB for these visits. The Housing Agency will provide advance notice to the OMC before visiting the site.

Records of each inspection should be maintained and coordinated by the CP, assisted by specialist designers and should be sufficient to identify the relevant defect, identify the remedial action undertaken, and any other work as necessary.

It is important, to ensure that proper, evidence-based inspection arrangements and procedures are in place to record and document the defects remediation.

14. CB's Supervision of Works.

The thoroughness of the supervision regime employed by the CB during the execution of the works is critical in ensuring a satisfactory outcome, and for certification of works upon completion.

In advance of commencement, the CB should advise the CP of the personnel who will be supervising the works, and their relevant experience.

15. Completion of Interim Remedial Works.

At completion of the interim remedial works, the CP is required to submit the following to the LAFS and The Housing Agency:

1. Certificate of Interim Remediation Fire Safety Defects.
2. Inspection Plan as implemented.
3. Updated Fire Safety Risk Assessment.
4. Plans, calculations, specifications and particulars, showing how the completed building has achieved compliance with the COP.

Both the Notification of Interim Remediation of Fire Safety Defects, and the Certificate of Interim Remediation Fire Safety Defects will be required in all cases where fire safety remediation works are proposed and carried out (Appendices E & F).

Upon receiving the documents listed above, The Housing Agency will conduct a site visit to review the completed interim remedial works. The OMC will have to arrange for the CP to be present at this site visit.

16. Useful Links and Other Publications.

[Frequently Asked Questions: Proposed Approach to Support Remediation of Defects in Apartments and Duplexes](#) published by the Department of Housing, Local Government and Heritage.

[Code of Practice for the Remediation of Fire Safety Defects: Guidance for Owners' Management Companies: Building Professionals and Local Authority Staff in the context of the Fire Services Acts 1981 and 2003 \(July 2023\)](#) published by the Department of Housing, Local Government and Heritage.

[Fire Safety Guide for Building Owners and Operators: Guide for persons having control under Section 18\(2\) of the Fire Services Acts 1981 and 2003 \(August 2023\)](#) published by the Department of Housing, Local Government and Heritage.

[Defects in Apartments: Report of the Working Group to Examine Defects in Housing](#) (July 2022) published by the Department of Housing, Local Government and Heritage.

[Code of Practice for Fire Safety Assessment of Premises and Buildings](#) (March 2022) published by the Department of Housing, Local Government and Heritage.

[Multi-Unit Developments – A Guide to Insurance](#) (December 2023) published by The Housing Agency.

Recordings of training webinars for stakeholders in MUDs and OMCs are available on The Housing Agency's [YouTube Channel](#).

The topics addressed are:

- i. The Multi-Unit Developments Act
- ii. Service Charges & Debt Collection
- iii. MUD Financial Management & OMC Accounts
- iv. Company Law for OMCs
- v. Role of the Management Agent and the PSRA
- vi. Sinking Funds

[Owners' Management Companies – A Concise Guide for Directors](#) (May 2021) published by The Housing Agency and Chartered Accountants Ireland.

[Engaging a Property Management Agent: Guidance for Owners' Management Companies](#) (January 2021) published by The Housing Agency.

[Framework for Enhancing Fire Safety in Dwellings where concerns arise](#) (August 2017) published by the Department of Housing, Local Government and Heritage.

17. List of Abbreviations.

CB: Competent Builder

CP: Competent Professional

FSRA: Fire Safety Risk Assessment

LAFS: Local Authority Fire Services

MEAT: Most Economically Advantageous Tender

OMC: Owners' Management Company

RWP: Remediation Works Plan

Ends.



Owners' Management Companies & Tax Clearance

In order to receive payments from a public body it may be necessary for an Owners' Management Company ("OMC") to provide evidence of Tax Clearance ("TC").

How an OMC may apply for Tax Clearance

Step 1 – the OMC first should obtain a Tax Reference Number ("TRN") from Revenue

- (a) The OMC should complete a paper Form TR2 Tax Registration. This form is available from Revenue at- www.revenue.ie/en/self-assessment-and-self-employment/documents/form-tr2.pdf.
- (b) Electronic registration (eRegistration) may be available. Further details are available at <https://www.revenue.ie/en/online-services/support/help-guides/eregistration/index.aspx>.
- (c) The OMC should register for Corporation Tax only. This means it should complete Parts A and B of the TR2 only, as well as the Declaration on page 7.
- (d) Detailed guidance on the tax registration process is available from the Revenue website- www.revenue.ie/en/starting-a-business/registering-for-tax/how-to-register-for-tax-as-a-new-company.aspx
- (e) The completed signed Form TR2 is posted or emailed to the Revenue office listed on page 8 of the Form TR2.
- (f) Registration may take a number of weeks from date of receipt by Revenue of a valid application.
- (g) When the tax registration has been successfully completed the OMC will be issued with a TRN. A TRN usually takes the form **1234567AB**, i.e. seven numbers followed by two letters.

Step 2 – using its TRN the OMC should apply to Revenue for Tax Clearance

- (a) This is arranged online using the Revenue Online System ("ROS").
- (b) The OMC first needs to register for ROS Access. Detailed guidance on this process is available from <https://www.ros.ie/ros-registration-web/ros-registration.rjsessionid=6A1EB1D0B9DD94B3BB1477A66D1EAE12?execution=e1s1>
- (c) After ROS Access is granted, TC may then be arranged on ROS. More details are available from www.revenue.ie/en/online-services/services/manage-your-record/apply-for-tax-clearance-online-using-etc.aspx
- (d) When Revenue issue a Certificate of TC, they will also provide a Tax Clearance Access Number ("TCAN"). This, along with the TRN, is given to anyone needing to verify the OMC's TC.

On-going tax responsibilities for OMC

Provided it does not have taxable income, the OMC should not be required to submit an annual Corporation Tax return (Form CT1). More details on this matter are available from Revenue here- www.revenue.ie/en/tax-professionals/tcm/income-tax-capital-gains-tax-corporation-tax/part-36/36-00-05.pdf

Tips

- (a) If the OMC is already registered for tax, Step 1 may be ignored.
- (b) If the OMC engages a firm of accountants or auditors they could assist with the tax applications.
- (c) The property management agent may be in a position to assist.

Disclaimer

The above commentary is provided for information purposes only. While every effort has been made to ensure the accuracy of the material provided, the Housing Agency can accept no responsibility for loss or damage occasioned by any person acting, or refraining from acting, as a result of information provided. Any views or opinions expressed should not be considered to amount to tax or legal advice. Formal tax advice, legal counsel, or other relevant professional advice should be obtained in relation to individual circumstances. The information provided is not intended to form a legal relationship.

Appendix B: Fire Safety Risk Assessment (FSRA) Template (Version 1)

MUD / Project Name:

Date of FSRA:

Competent Professional who carried out assessment:

Risk Rating Findings and Recommendations							
Risk Item No.	Risk Item Description <i>(Description in words of the unacceptable risk item)</i>	Photo of Risk <i>(Photo illustrating the risk item)</i>	Design Specification Description <i>(Describes the intended and approved specifications and standards for construction as per the granted FSC)</i>	Impact Rating	Likelihood Rating	Overall Risk Rating <i>(See Note 2)</i>	Recommended Interventions <i>(Description of remedial action or actions required)</i>
Building / Block (-----)							
Floor Level (-)							
1						0	
2						0	
3						0	
4						0	
5						0	
cont.						0	
						0	
						0	
External Issues							
E.1						0	
E.2						0	
E.3						0	
E.4						0	
E.5						0	
cont.						0	
						0	
						0	
Fire Safety Management Issues							
M.1						0	
M.2						0	
M.3						0	
M.4						0	
M.5						0	
cont.						0	
						0	
						0	

- Notes:
- In some instances, there may be a short term and longer-term recommendation. In those cases, the Competent Professional should set out the basis for the two-stage approach.
 - Assign the 'Intervention Priority' column colour codes: Red, Amber, or Green based on the risk rating, following the criteria outlined in Table B1 of the Code of Practice for the Remediation of Fire Safety Defects.
 - Formula Accuracy: Verify and double-check all formulas for accuracy. Any errors in formulas can lead to inaccurate results and affect the overall integrity of the information being provided. It is the user's responsibility to ensure correct formulas and information integrity.
 - The FSRA should consider all of the fire safety risks that exist in the building. On completion of the FSRA, it may be apparent that interim fire safety measures are necessary to ensure the safe occupancy of homes in advance of the planned overall remedial works for the entire building.
 - Competent Professional to utilise the above FSRA template for conducting the assessment. Detailed guidelines on how to complete the FSRA are available in the Code of Practice (COP) document provided separately within the Applicant Pack. Ensure that the assessment adheres to the format and criteria specified in the template.
 - Refer to CP Format of Submission document for further informaiton on how to present FRSA for LAFS review.



Rialtas na hÉireann
Government of Ireland



An Stiúrthóireacht Náisiúnta um Dóiteáin agus Bainistíocht Éigeandála
National Directorate for Fire & Emergency Management

Code of Practice for the Remediation of Fire Safety Defects

Guidance for Owners' Management Companies,
Building Professionals and Local Authority Staff in
the context of the Fire Services Acts 1981 and
2003

December 2023

DRAFT

Prepared by the Department of
Housing, Local Government and Heritage
[gov.ie /housing](https://www.gov.ie/housing)

Contents

1.0 Introduction	1
2.0 Scope	3
2.1 Interpretation	3
3.0 Requirements under the Fire Services Acts 1981 and 2003	5
3.1 Section 18(2) of the Fire Services Acts 1981 and 2003	5
3.2 Person Having Control	6
4.0 Competent Professional	7
5.0 Process Flow Diagram - Fire Safety Defects.....	8
6.0 Fire Safety Assessment	11
6.1 Basis of Design Compliance.....	11
6.2 Building Survey	12
6.3 Opening Up Works	13
6.4 Fire Safety Assessment Record.....	13
7.0 Fire Safety Risk Assessment	14
7.1 Assessing the Overall Risk Rating for Each Item	15
7.2 Establishing the Overall Risk Rating for Each Risk Item	16
7.3 Documentation of the Fire Safety Risk Assessment(s)	17
8.0 Interim Fire Safety Measures	18
8.1 Range of Interim Measures	18
9.0 Determine the appropriate Remediation Approach	20
9.1 Standard for Remedial Works	20
9.2 Tiered Approach.....	20
9.3 Tier 1	21

9.4 Tier 2	21
9.5 Tier 3	21
9.5.1 Alternative Approaches and Options for Remedial Works	21
9.5.2 Prioritisation Review Process (PRP)	22
9.5.3 Quantitative Analysis	22
9.5.4 Assessment of Proposed Remedial Actions Against Fire Safety Criteria	23
9.5.5 Basic Approaches	23
9.5.6 Comparative Criteria	23
9.5.7 Deterministic Criteria.....	23
9.5.8 Probabilistic Criteria	23
9.6 Deviation from Appropriate Standards (Tier 2 and Tier 3)	24
10.0 Prioritisation of Works Items.....	25
11.0 Remedial Works Plan.....	26
12.0 Inspection Plan.....	27
13.0 Engagement with the Fire Authority	28
14.0 Notification and Commencement of Remedial Works	29
15.0 Carrying Out Remedial Works.....	30
15.1 Competent Builder.....	30
16.0 Implementation of the Inspection Plan	31
16.1 Builder's Supervision of Works.....	31
17.0 Completion of Remedial Works.....	32
Appendix A: Extracts from Recommendations of the report of the Working Group to Examine Defects in Housing	33
(R5) Interim Measures.....	33

(R7) Standard of Remedial Works.....	33
(R8) Code of Practice.....	33
(R10) Certification	34
Appendix B: Priority Ratings Outcomes	35
Appendix C: Sample Inspection Plan	36
Appendix D: Dates of Application and Transitional Arrangements of Technical Guidance Documents.....	37
Appendix E: Notification of Remediation of Fire Safety Defects.....	38
Appendix F: Certification of Remediation of Fire Safety Defects	42
Appendix G: Other Publications	47
Appendix H: Definitions	48
Definitions	48

DRAFT

1.0 Introduction

This Code of Practice has been developed following the recommendations contained in the report titled “Defects in Apartments - Report of the Working Group to Examine Defects in Housing” published in July 2022.

The Working Group to Examine Defects in Housing, was established by the Minister for Housing, Local Government and Heritage in February 2021. It was tasked with delivering on the commitment in the Programme for Government to examine defects in housing, having regard to the recommendations of the Joint Oireachtas Committee on Housing report *Safe as Houses?*

This Code of Practice has been published to:

- Support the development of a reasonable and practicable approach to resolving fire safety defects;
- Ensure a consistent approach nationwide to remediation;
- Provide guidance to owners’ management companies, building professionals and Local Authority building control / fire services, including guidance on interim safety measures, in the context of the Fire Services Acts 1981 & 2003.

The provisions contained in this Code of Practice (COP) are limited to, and apply specifically and only to purpose-built apartment buildings including duplexes, constructed between 1991 and 2013 in the context of the Fire Services Acts 1981 & 2003.

The provisions may also apply to any remedial works which are required to an area outside or adjacent to the apartments or duplexes, or to the common area of the apartments or duplexes in multi-use buildings, which are required to ensure the safety of the apartments or duplexes built within the same time period.

The report of the Working Group recommended that when developing a COP consideration is also given to the following existing publications:

- Code of Practice for Fire Safety Assessment of Premises and Buildings
- Framework for Enhancing Fire Safety in Dwellings where concerns arise
- Fire Safety Guide for Building Owners and Operators - Guide for Persons having Control under Section 18(2) Fire Services Acts 1981 & 2003

Owners’ Management Companies (OMCs) have responsibilities and obligations in relation to ownership and control of common areas, and fire safety in common areas of multi-unit developments.

These responsibilities and obligations arise under various pieces of legislation, in particular the Multi-Unit Developments Act 2011, and Section 18(2) of the Fire Services Acts 1981 and 2003, under which OMCs would be considered “persons having control” of common areas.

Accordingly, OMCs will have a central role in the implementation of remedial works to apartments or duplex buildings. The provisions in this COP are based on this principle.

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2.0 Scope

This COP is based on the principle of a whole-building approach in respect of the remediation of fire safety defects and the solutions being offered.

This COP is intended to provide guidance relating to the process for assessing and remediating defects and certifying works (to which this COP applies) to building professionals and Local Authority building control / Fire Authority staff in the context of the Fire Services Acts 1981 & 2003.

The issuing of a Certificate of Remediation of Fire Safety Defects on the completion of any remediation works does not absolve OMCs, as persons having control, of their responsibilities with respect to the ongoing management of apartment or duplexes buildings under Section 18(2) of the Fire Services Acts 1981 & 2003 (see Section 3). The recommendations of the report of the Working Group to Examine Defects in Housing set out in general the approach to resolving fire safety defects, and the areas that may be addressed in a code of practice. Extract from relevant recommendations of the report of the Working Group are included in Appendix A.

In the interest of clarity, separate guidance in the context of structural safety and water ingress defects may be required and is outside the scope of this COP.

2.1 Interpretation

This COP is published by the Minister for Housing, Local Government and Heritage under Section 18(A) of the Fire Services Acts 1981 & 2003.

The legislation relating to fire safety in buildings in Ireland is contained in the Fire Services Acts 1981 and 2003 and the Building Control Act, (as amended) 1990. Regulations made under the Building Control Acts, set standards (including fire safety standards) for the construction of new buildings or certain works to existing buildings.

This COP is published to assist OMCs in discharging their statutory responsibilities under Section 18(2) of the Fire Services Act, 1981 and 2003 in respect of purpose-built apartment and duplex buildings constructed between 1991 and 2013.

Compliance with the provisions contained in this COP will demonstrate that a reasonable level of fire safety has been achieved in the remediation of fire safety defects in those apartments/duplexes.

The issuing of a Certificate of Remediation of Fire Safety Defects in respect of remediation works, completed in accordance with the provisions of the COP, when signed by the competent professional and competent builder, will demonstrate that the defects discovered have been satisfactorily remediated.

When considering the provisions of this COP it should be noted that:

- Compliance with this COP does not confer immunity from any statutory requirement nor exempt a person from the need to ensure that all other relevant statutory requirements are being complied with.
- This COP is not a legal interpretation of, or a substitution for, the legislation and is non-exhaustive.

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3.0 Requirements under the Fire Services Acts 1981 and 2003

3.1 Section 18(2) of the Fire Services Acts 1981 and 2003

Section 18(2) sets out duties which are placed on the person(s) having control of premises to which Section 18 applies. An extract of the Fire Services Acts 1981 and 2003 is as follows:

Section 18(2)

“It shall be the duty of every person having control over premises to which this section applies to –

- a)** take all reasonable measures to guard against the outbreak of fire on such premises,
- b)** provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises;
- c)** ensure that the fire safety measures and procedures referred to in paragraph (b) are applied at all times; and
- d)** ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such outbreak has occurred or not.”

3.2 Person Having Control

The person having control of premises has statutory fire safety responsibilities under Section 18(2) of the Fire Services Acts 1981 and 2003.

The person having control may be an individual person, a number of persons or an organisation such as a Housing Authority, Approved Housing Authority etc. In the case of apartment and duplex buildings, OMCs would be considered “persons having control” of common areas. See “**Fire Safety Guide for Building Owners and Operators**” Guide for persons having control under Section 18(2) of the Fire Services Acts 1981 and 2003.

The person having control is legally required to provide a property / premises that is safe, and to ensure all reasonable fire safety measures and procedures are in place. This includes structural fire precautions, such as adequate fire resistance of elements of structure, protection of escape routes and compartmentation appropriate to the building. Additionally it includes the implementation of the fire safety measures and procedures within the premises, and carrying out remedial works and maintenance as and when necessary.

It is important to note, that notwithstanding the remediation of fire safety defects in any apartment buildings and the issuing of Certificate of Remediation of Fire Safety Defects (see Appendix F), the OMC will continue to be bound by the statutory fire safety responsibilities set out in Section 18(2).

4.0 Competent Professional

The provisions contained in this COP are of a technical nature and are intended to be used, interpreted and applied by suitably qualified competent professionals with appropriate experience in respect of fire safety.

In this context it is considered that a competent professional should hold one of the following qualifications:

- Architects on the register maintained by the RIAI under Part 3 of the Building Control Act 2007,
- Building Surveyors on the register maintained by the SCSi under Part 5 of the Building Control Act 2007,
- Chartered Engineers on the register maintained by Engineers Ireland under Section 7 of The Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969,

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5.0 Process Flow Diagram - Fire Safety Defects

The methodology and route to identifying and remediating fire safety defects in purpose-built apartment and duplexes, to ensure any remedial works required achieve compliance with the requirements of this COP are illustrated in Diagram 1.

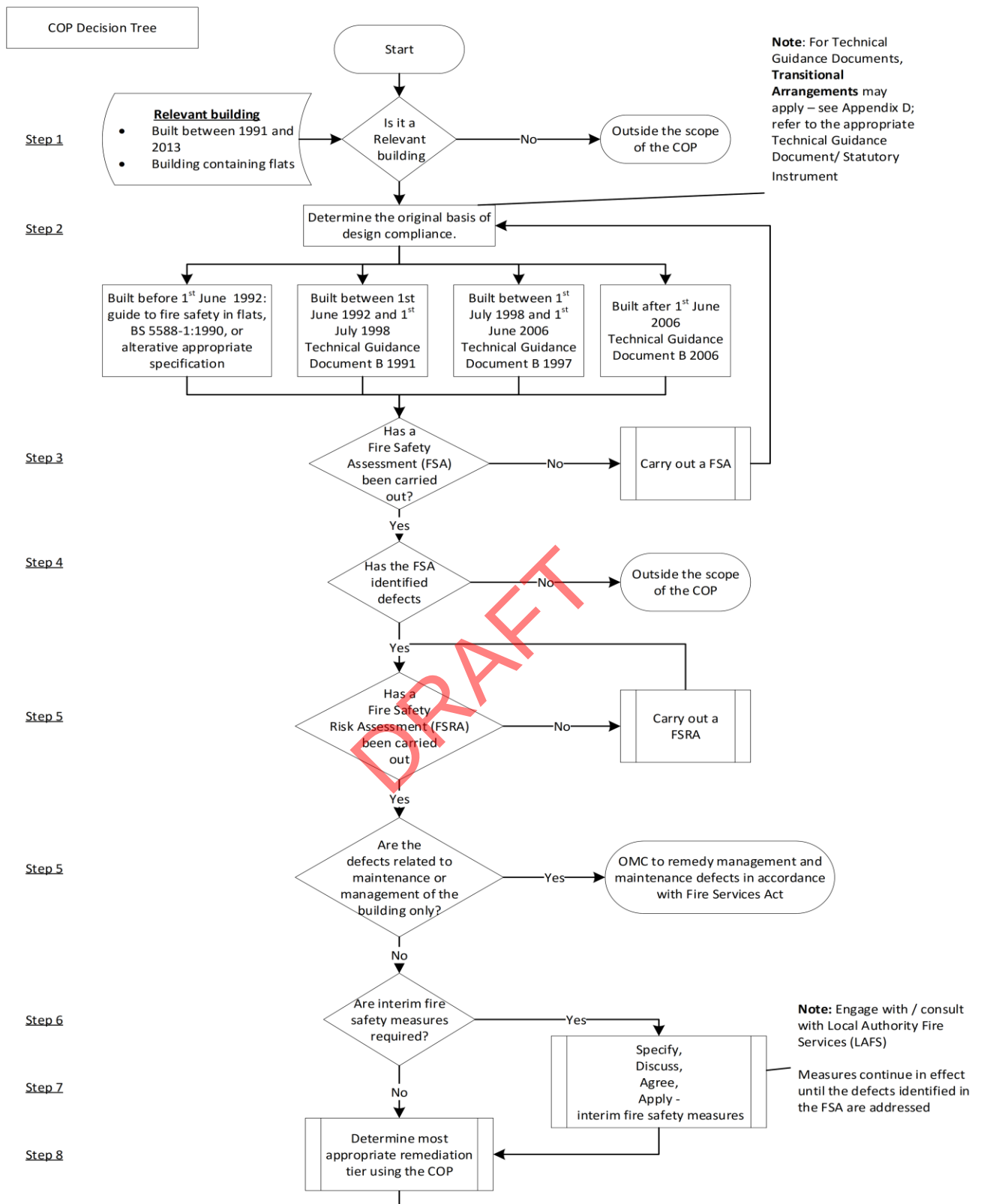
It illustrates the sequence of decision making gateways in a series of steps from 1-16.

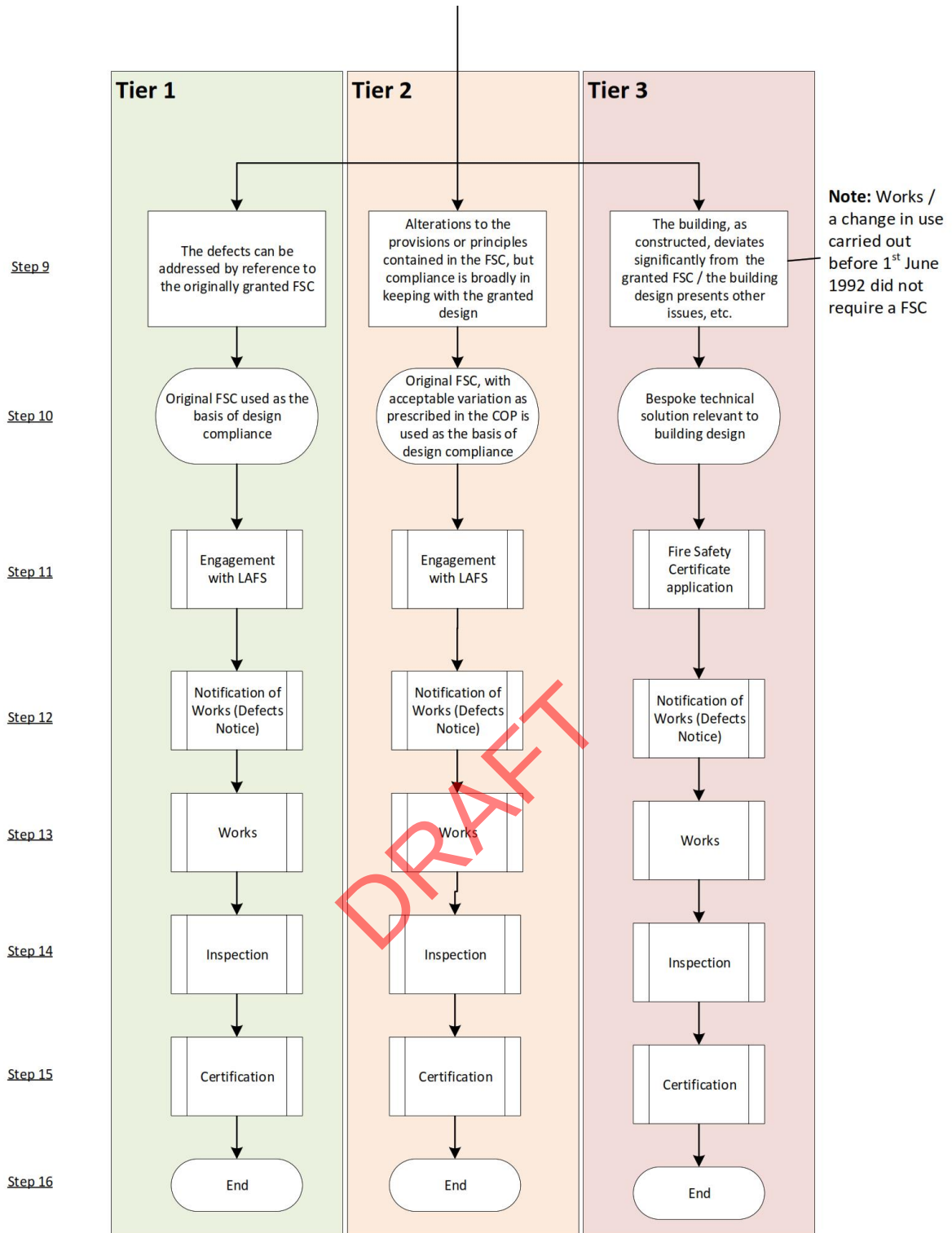
This sequential approach provides a clear route to:

- Identify relevant buildings,
- Identify the presence of any fire safety defects,
- Apply relevant regulatory requirements that applied at the time of construction,
- Prepare Remedial Works plans and Inspection plans,
- Identify considerations during the remediation works, and
- Certify the works on completion.

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Process Flow Chart, Diagram 1





6.0 Fire Safety Assessment

A fire safety assessment is a specific inspection and assessment of fire safety provisions and features in each apartment or duplex building, taking into account, but not limited to the:

- Basis of design compliance,
- Complexity of the building,
- Age of buildings,
- Construction, characteristics,
- Building location,
- Passive/active fire safety systems, etc.

The assessment should be undertaken by a competent professional.

When planning the assessment, the competent professional should consider the scale and scope of fire safety assessment appropriate for the building concerned.

The assessment must include an on-site survey or inspection of the building.

The assessment must also include a review of the procedures for the management of fire safety in the building to ensure that they are to appropriate standards and comply with Section 18(2) of the Fire Services Acts 1981 and 2003.

The fire safety assessment should be undertaken in accordance with the “Code of Practice for the Fire Safety Assessment of Premises and Buildings” (2022) published by the Department of Housing, Local Government and Heritage.

Additionally, due consideration should be given to the provisions in the following publications:

- Framework for Enhancing Fire Safety in Dwellings where concerns arise (2017), with particular attention to the risk assessment methodology
- Fire Safety Guide for Building Owners and Operators - Guide for Persons having Control under Section 18(2) Fire Services Acts 1981 & 2003(2023), with particular attention to the guidance on the general day to day operation and maintenance of fire safety measures relevant to purpose built apartment and duplexes.

6.1 Basis of Design Compliance

The fire safety assessment of each apartment or duplex building should begin with an assessment of the intended fire safety strategy design (Diagram. 1, Step 2). This is followed by consulting, in the first instance, with the relevant granted Fire Safety Certificate (FSC) application(s)), the FSC as granted, and their associated documentation.

Where a FSC is not available or does not exist, the requirements of the Building Regulations as existed at the time of construction, or other relevant standards, where appropriate, should be applied.

See Diagram.1, Step 2, to determine the relevant iteration of Technical Guidance Document B that may be applicable to each apartment building.

Appendix D includes a table that illustrates the transitional arrangements for the application of the relevant iteration of TGD B.

In the case of buildings built before 1992, the “Guide to fire safety in flats, Bedsitters and Apartments” or BS 5588-1 or other appropriate alternative design may be appropriate.

6.2 Building Survey

The building survey should be a comprehensive assessment of the as-constructed apartment or duplex building.

The building survey should, in particular, include the following areas:

- Common circulation areas
- Interior of each compartment/apartment
- Inter-compartment construction
- The external wall construction
- Associated external site areas facilities and access arrangements.

The survey should consider construction deemed not to be delivering the standard of fire safety protection set out in the design and/or the expected construction.

It should consider whether the construction demonstrates compliance with Parts B1 to B5 of the Second Schedule to the Building Regulations, as existed at the time of construction, or other relevant standards, where appropriate, (see Diagram 1, Step 3 and Appendix D).

It will be necessary to undertake sufficient opening up works, and in some cases material testing may be required, to establish the nature and extent of any fire safety defects.

The building survey needs to be as comprehensive as necessary to identify all fire safety defects.

6.3 Opening Up Works

In order to identify the nature extent of any fire safety defects that may be present in purpose-built apartments and duplexes, opening up works will be required. Any opening up works required should be identified during the fire safety assessment and carried out in conjunction with the building survey.

6.4 Fire Safety Assessment Record

A comprehensive and tabulated written record of matters of concern and fire safety defects identified during the fire safety assessment should be prepared for this stage of the assessment process, with each item duly identified against an agreed naming convention for the various locations around the building.

The assessment record should identify if the defects are likely to be stand-alone items or if they form a pattern of repeating defects located throughout the building.

The assessment record should indicate the probable cause of each defect, i.e. whether attributable to defective design, defective or faulty workmanship or defective materials (or any combination of these). These defects will have to be risk assessed against the original intended outcome.

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7.0 Fire Safety Risk Assessment

A fire safety risk assessment is required following the completion of the fire safety assessment of the apartment building (utilising the “Code of Practice for the Fire Safety Assessment of Premises and Buildings” (2022), see Section 6 above). It is used to evaluate and categorise the level of risk arising from each item identified during the fire safety assessment and to aid in the prioritisation of any mitigation or remedial works required.

The level of risk arising from each item identified during the fire safety assessment should be established to consider the impact of each item in the event of a fire, taking a whole-building approach.

The primary focus of the risk assessment is the perceived risk to the life or safety of the occupants within each apartment / duplex building.

Each item identified during the fire safety assessment should be both individually assessed, and assessed as part of its intended sub-system (e.g. control of fire spread) and/or as part of assemblies and/or building elements that are required to be provided.

It is important that early judgements about the level of a risk should be avoided, given that on its own, a fire safety defect may in itself be minor but in combination with other fire safety defects its potential impact may be serious.

The risk of each item identified during the fire safety assessment should be weighed against the impact of same on the building or part of the building.

Each item identified during the fire safety assessment should be risk assessed, in particular, in respect of the following non-exhaustive list of areas:

- Common circulation areas
- Interior of each compartment/apartment
- Inter-compartment construction
- External wall construction
- Associated external site areas facilities and access arrangements.

Consideration should be given to the methodology to carry out a fire safety risk assessment provided in the “Framework for Enhancing Fire Safety in Dwellings where concerns arise.”

The risk assessment process includes, but is not limited to, the consideration of the following:

- (i) Information about the premises, the materials and the defect(s)

- (ii) Identification of fire defects (hazards) and the actual fire safety measures taken
- (iii) Assessment of the nature of the impact of the defect in the event of a fire
- (iv) Assessment of the contribution of the fire protection measures taken
- (v) Assessment of current and potential fire safety management measures
- (vi) Assessment of likely consequences in the event of a fire
- (vii) Assessment of the relative contribution to fire risk control provided by the remedial action
- (viii) Formulation of an action plan and engagement with to the Fire Authority
- (ix) Periodic review of the implementation of the schedule of remedial actions

7.1 Assessing the Overall Risk Rating for Each Item

The importance of the risk of harm from a fire safety defect is related to the severity of its outcome should it materialise.

Each risk item must be assessed, this involves three sub-steps, as follows:

- Assign a (likelihood of) occurrence rating to the risk item,
- Assign an (anticipated severity of) impact rating to the risk item,
- Assign an overall score to the risk, which is a product of the likelihood and impact ratings, to give an overall risk rating.

The likelihood rating is judged by reference to the likelihood of the risk item occurring (and potentially causing ill-effects) in accordance with the following scoring criteria:

1. Rare / remote
2. Unlikely
3. Possible
4. Likely
5. Almost certain

Impact scoring is based on the anticipated severity of the outcome. In scoring impact the risk item is graded from 1 to 5, with 5 indicating the most serious outcome, and 1 the least serious outcome. The scoring criteria are as follows:

1. Negligible harm
2. Minor harm
3. Moderate harm
4. Major harm
5. Extreme harm.

7.2 Establishing the Overall Risk Rating for Each Risk Item

The product of the two scoring outcomes provides an overall risk rating, based on the table: Table 1 – Risk rating for each risk item, and Table 2: Priority ratings, below.

Risk rating for each risk item

RISK MATRIX	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost certain (5)	5	10	15	20	25
Likely (4)	4	8	12	16	20
Possible (3)	3	6	9	12	15
Unlikely (2)	2	4	6	8	10
Rare (1)	1	2	3	4	5

Table 1 – Risk rating for each item

Priority Ratings

Red rating (15 – 25):	High risk	Intervention rating A	Immediate or as soon as possible
Amber rating (6 – 12):	Medium risk	Intervention rating B	Early or short term
Green rating (1 – 5):	Low risk	Intervention rating C	Within a limited time frame

Table 2 – Priority Risk Ratings

7.3 Documentation of the Fire Safety Risk Assessment(s)

Following risk assessment, the matters of concern and fire safety defects identified in the fire safety assessment, should be presented in a tabular form in a fire safety risk assessment report.

The fire safety risk assessment report should include an appropriate plan and timeline for the mitigation of each risk item.

The fire safety risk assessment report may subsequently be developed into a schedule of remedial works.

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8.0 Interim Fire Safety Measures

Following the completion of the fire safety assessment, and fire safety risk assessment processes by the competent professional, it may become apparent that interim fire safety measures may be necessary to allow occupants to safely remain in their homes pending completion of the planned overall remedial works to the entire building. (see Diagram 1, Step 6).

It is important to note that whilst these interim measures may be acceptable in the short term to facilitate the continued use of the building, they are not to be viewed as a long-term solution. However, in some cases the interim measures may be incorporated into the overall solution for the building.

In general, the purpose of interim measures will be to provide an acceptable level of fire safety in the building, pending completion of remedial works.

The provision of interim fire safety measures may be adjusted as remedial works are completed (where identified during the fire safety assessment).

Where interim fire safety measures are proposed, the OMC and competent professional should engage with the Fire Authority (see Diagram 1, Step 7 and Section 12), which may exercise its powers under the Fire Services Acts 1981 & 2003.

8.1 Range of Interim Measures

Interim measures may include the following non-exhaustive items:

- Installation of an enhanced fire detection and alarm system, either by expanding existing central systems, and/or providing self-contained battery-operated smoke or heat alarms, and,
- Provision of fire wardens, in extreme cases
- Management of fire safety, for example:
 - Ensure escape routes are safe, clear, readily available for use and provided with adequate emergency lighting.
 - Ensure that emergency fire procedures for the building are in place and engage with residents to ensure that they are fully aware of fire safety measures and evacuation procedures.
 - notices to explain the fire safety measures and evacuation procedures (in different languages as appropriate)
 - The frequency of drills/inspections to test fire safety measures and evacuation procedures, and recording same in a fire safety register.
 - Undertake regular checks to ensure that:
 - Doors close properly to prevent spread of fire and smoke
 - Escape routes are clear and free from trip hazards

- There is no storage of articles in escape routes
 - Prevent the storage of combustible materials (such as refuse) in the vicinity of the building, at ground level or on balconies – for example, by using barriers, and/or by issuing instructions to occupants
- Engagement with owners/occupiers of any commercial units within the building to minimize the risks of divergence in approaches to fire safety between different building occupants
- Check that all entrance doors to individual apartments, and doors that open onto escape corridors and stairways, are fire resisting and effectively self-closing against any latch resistance
- Obtaining , and where necessary updating, current certification for existing fire safety systems
- Ensuring that gas and electrical installations are checked by a competent professional for compliance with current standards.
- Closure of part(s) of the premises identified in the risk assessment as presenting a serious hazard
- Installation of temporary fire resisting construction
- Provision of fixed extinguishing equipment
- Checking that all facilities provided for the fire service, including fire-fighting lifts and dry or wet rising mains, are in proper working order and certified;
- Other relevant, specific proposals.

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9.0 Determine the appropriate Remediation Approach

9.1 Standard for Remedial Works

The standard for remedial works, as set out in the report of the Working Group to Examine Defects in Housing (see Appendix G), outlines the overarching goal for achieving a reasonable level of life safety in the remediation of fire safety defects.

The report also recommends that when addressing fire safety defects, the whole building must be considered, requiring that a whole-building approach to fire safety is adopted.

Buildings should be remediated to the standard that applied at the time of their original construction, i.e. to the originally granted Fire Safety Certificate, to the appropriate version of Technical Guidance Document B, or in the case of works carried out before June 1992, to an appropriate standard.

Where it is not practicable to achieve this, alternative approaches and options should be considered that provide a reasonable level of life safety protection in accordance with the Fire Services Acts 1981 & 2003.

This section outlines three common remediation options for affected apartment and duplex buildings: Tier 1, Tier 2 and Tier 3 (see Diagram 1).

In relation to building standards, the Building Regulations apply to certain works to existing buildings, e.g. all works in connection with the material alteration or extension of an existing building, a repair and renewal that is likely to affect the structural integrity of the building, or building element being repaired or renewed, etc.

No works shall be carried out to a building that would cause a new or greater contravention in the building of any provision of the Building Regulations. As a result, in general, the reinstatement of building elements in a remediation project should be on a 'like for like' performance basis.

Following the overall guidance, the recommended approach to remediation of fire safety defects is that works to be carried out to elements of the building (following the fire safety assessment process) should individually comply with the requirements of the relevant Building Regulations.

9.2 Tiered Approach

Depending on the scale and nature of defects identified, the appropriate remediation option; Tier 1, Tier 2 or Tier 3, should be identified by the competent professional (see Diagram 1, Step 7).

9.3 Tier 1

Tier 1 refers to circumstances where the building can be brought into compliance with the requirements of the original granted Fire Safety Certificate, without modification.

9.4 Tier 2

Tier 2 refers to circumstances where the building can be brought into compliance with the requirements of the original granted FSC, with limited modifications.

This approach is appropriate in instances where the building, as constructed, is broadly in keeping with the original granted FSC design, but presents other issues, where compliance with the granted FSC is not practicable.

In such cases, alternative measures to compliance, which are limited in extent and subject to engagement with the Fire Authority, may be considered appropriate.

9.5 Tier 3

The building cannot be brought into compliance with the requirements as set out in original granted FSC, without substantial modification.

Significant deviations to the original granted FSC, and/or other issues, will require a tailored approach to achieving the required level of safety. This will require the application for a new FSC, as required under Article 11 and 12 of the Building Control Regulations 1997-2021.

Where Tier 3 is selected, a reasonable level of fire safety may be achieved by a comparative or probabilistic analysis of methods. The methods must be benchmarked against similar guidance.

It will be the responsibility of the competent professional to undertake this analysis to establish that compliance with the objectives of the Building Regulations is achieved, to oversee the remediation works and to provide certification on completion (see Appendices E and F).

9.5.1 Alternative Approaches and Options for Remedial Works

When it is established through reference to the Process Flow Chart (Diagram 1), that it is impractical to comply with the original FSC, either without modification (Tier 1), or with limited modification (Tier 2), alternative measure(s) may need to be considered by the competent professional to provide a similar overall level of fire safety for the occupants of the building in compliance with Section 18(2) of the Fire Services Act 1981 & 2003. In this case Tier 3 may be the most appropriate approach.

As each building is physically unique, in terms of size, layout, structure and each may have alternative fire safety strategies. It must be understood that alternative measure/s that are acceptable in one building may not be acceptable in another building. A non-exhaustive list of alternative measures that may be considered is as follows:

- Enhanced or extended landlord fire alarm system
- Upgrades to domestic fire alarm
- Linking domestic fire alarms
- Increased corridor separation
- Sprinkler system
- Mist systems
- New or enhanced ventilation systems for staircase and/or hallways
- Increase rating of fire doors from 30mins to 60min
- Fire rating of service risers at floor level instead of wall level combined with detection in the risers
- Enhanced or additional refuge areas
- Reduced travel distances
- Additional escape routes
- Enhanced firefighting equipment, each apartment provided with suitable extinguishers etc.
- Methodologies arising from a Fire Engineering Approach

9.5.2 Prioritisation Review Process (PRP)

The first step in any Prioritisation Review Process is to establish the basic parameters for the project. This process includes a review of the impacts of the defects in the event of a fire the primary focus of this review is on the risk to the life or safety of the occupants

Other considerations in relation to defects are their impact on the:

- Fire safety strategy,
- Building, at both a local and global level,
- Progressive impact in the event of a fire,
- Identification of any overriding constraints, and
- Definition of the intended design of fire safety strategy.

This initial stage will draw on the expertise and experience of the competent professional and any other member of the design team.

9.5.3 Quantitative Analysis

Where a detailed quantitative analysis of the building's fire safety provisions is deemed appropriate, the quantitative analysis may use probabilistic or deterministic procedures or a combination of both.

9.5.4 Assessment of Proposed Remedial Actions Against Fire Safety Criteria

Following the quantitative analysis, the results need to be compared with the fire Safety criteria identified during the PRP. If the proposed remedial action(s) satisfies the specified fire safety criteria, the PRP and quantification process should be repeated in respect of each proposed remedial action. This process should be repeated until a fire safety strategy that meets all the fire safety criteria has been established

9.5.5 Basic Approaches

Three basic approaches can be considered by the PRP team when setting fire safety criteria:

- (a) Comparative;
- (b) Deterministic;
- (c) Probabilistic.

One or more of these approaches may be utilised as part of a desktop study. Whatever approach or combination of approaches is adopted, the criteria should, in general, satisfy the objectives of the Fire Services Acts 1981 and 2003. The fire safety objectives defined in the applicable regulations will determine the intended outcomes.

9.5.6 Comparative Criteria

It can often be difficult to establish the level of safety achieved in absolute terms. However, it might be relatively straightforward to demonstrate that the proposed action provides a level of safety equivalent to that in a building that complies with a recognised prescriptive code, either that of TGD B or that published under Section 18A of the Fire Services Acts 1981 & 2003. A comparison may be made on the basis of deterministic or probabilistic approaches or a combination of both.

9.5.7 Deterministic Criteria

The objective of this approach is to show that in a worst case scenario, following implementation of the remedial actions, a defined set of conditions will not occur (e.g. smoke will not obscure protected enclosures during the evacuation period).

9.5.8 Probabilistic Criteria

Probabilistic criteria are set to ensure that the probability of a given fire event occurring and its associated consequences affecting life safety are acceptably low. The risk criteria are usually expressed in terms of the annual probability of the unwanted event occurring.

Guidance regarding probabilistic risk assessment techniques may be found in published documents, and codes of practice that may provide sufficient evidential documentation to support this approach.

9.6 Deviation from Appropriate Standards (Tier 2 and Tier 3)

Significant deviations from the appropriate standards may be discovered in relation to many aspects of the building, for example:

- Configuration and/or the manner of the means of escape
- Provision of fire precautions
- Provisions for smoke control
- Materials used on linings or within the fabric of the building
- Materials used for the structure or for the protection of the structural elements
- Control measures taken for the control of external fire to and from neighbouring buildings
- Access for the fire brigade to fight a fire and/or rescue occupants
- Facilities provided for the fire brigade to fight a fire and/ or rescue occupants.

The options set out in Tier 2 or Tier 3 can be selected to ensure the most appropriate design of the remedial works in order to achieve a reasonable level of occupant fire safety.

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10.0 Prioritisation of Works Items

Following the identification and risk assessment of defects, the identification of mitigation measures and the timeline for their implementation, and the selection of the appropriate Tier, the implementation of the proposed mitigation measures should be prioritised.

The recommended remedial actions are assigned a priority rating, taking account of the fire safety risk assessment. The interventions decided upon will be the actions to control the risks of harm, which will contribute to risk mitigation. Mitigation options should be included in the fire safety risk assessment.

In some instances, short term initial actions (interim fire safety measures), may be required followed by longer term, more significant, interventions.

The objective of the remediation works is to achieve an acceptable standard of fire safety, either immediately or within a reasonable timeframe, depending on the risk presented. For instance, the risk rating associated with certain fire safety defects may not be very high, however management improvements may be recommended for immediate implementation, because they are low cost and practicable to achieve.

The application of professional judgement will be required when considering the risk ratings, and certain remedial improvements may be accorded a higher priority than indicated by the risk rating alone.

A schedule should then be developed listing proposed remedial actions in descending order of priority. The schedule will be populated as to effectiveness, practicability and feasibility.

When scheduling works, it may be convenient to complete some “low priority” works at the same time as “high priority” works, to avoid creating disruption to operation of premises on multiple occasions.

Recommended remedial actions should be set out in a Risk Rating Findings and Recommendations table (Appendix B).

11.0 Remedial Works Plan

The Remedial Work Plan (RWP), is a plan for the design, specification and inspection of the remedial works to be undertaken following the fire safety assessment process.

The RWP should be prepared by the competent professional and include a specification document, construction drawings, and any other necessary technical information setting out the necessary measures to remediate the fire safety defects in the apartment / duplex building.

The RWP must contain sufficient detail to enable the carrying out the remedial works and includes (but is not limited to);

- Construction drawings, i.e. plans, elevations, details, etc.
- Specification of materials
- Removal and reuse of existing materials, where practical
- Identification of specific risks
- Quality control of construction products/material used
- Inspection plan
- Fire safety deficiency detail
- Recommended remedial works
- Time to completion / Issue close

The competent professional has a responsibility to coordinate the inputs of any other consultants or specialist designers such as quantity surveyor, architect, and structural engineer, mechanical and electrical engineer or façade engineer.

The implementation of the RWP, combined with ongoing supervision by the competent builder, will facilitate the certification of completed works.

The RWP should be supported by an Inspection Plan, to be implemented by the competent professional and builder.

12.0 Inspection Plan

The thoroughness of the inspection process developed and implemented by the competent professional and specialist designers, on behalf of the OMC, is critical in ensuring a satisfactory outcome to the remediation works.

The competent professional and specialist designers nominated to undertake inspections should develop an Inspection Plan (see sample template Appendix C) appropriate to the works they have designed.

The Inspection plan should take full account of the fire safety assessment, RWP and relevant factors for the building work concerned.

Key remediation works should be prioritised for inspection by the competent professional, and specialist designers. Other appropriate checks should be carried out as deemed necessary.

Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project.

Adequate site inspections should be undertaken.

Sufficient records should be kept that demonstrate the application of reasonable skill, care and diligence.

An appropriate Inspection Plan is dependent on many factors including:

- (a) Type of building, type of construction and expertise of the builder;
- (b) How complicated or relatively straightforward the remediation works are;
- (c) Whether recent experience indicates current problems in interpreting and/or achieving compliance with certain requirements;
- (d) How serious the consequences of a particular contravention might be;
- (e) Impracticability or impossibility of subsequent inspection of closed up work; and
- (f) Speed of remediation.

Prior to the commencement of the works, the competent professional should prepare a coordinated Inspection Plan and ensure its implementation throughout the course of the works.

13.0 Engagement with the Fire Authority

Where fire safety remedial works are proposed, (including interim fire safety measures) the competent professional should engage with the Fire Authority.

As part of the engagement, the following non-exhaustive list of documents should be provided to the Fire Authority:

- Fire Safety Assessment
- Fire Safety Risk Assessment
- Preliminary Remedial Works Plan
- Identification of the Remediation Tier
- Proposed interim measures
- Coordinated Inspection Plan
- Drawings

However, while Fire Authorities may give advice on fire safety, implementation of remedial works will be based on the findings and recommendations of the competent professional and reflect the findings of the fire safety risk assessment.

The outputs of the engagement should include written advice from the Fire Authority.

In the case of a Tier 3 approach, which requires a bespoke alternative solution, the application for a new FSC will be required as part of the overall solution for the building.

It should be noted that the Fire Authority will, in any case, retain the option of exercising its enforcement powers under the Fire Services Acts 1981 and 2003.

14.0 Notification and Commencement of Remedial Works

Prior to commencement of remedial works, and following engagement with the Fire Authority, a Notification of Remediation of Fire Safety Defects form (see Appendix E) should be issued to the Fire Authority by the OMC, or the competent professional on behalf of the OMC.

This notification will confirm to the Fire Authority that the remedial works, that are due to commence, will be in accordance with the requirements of this COP and that upon completion, will demonstrate compliance with the relevant regulatory requirements.

Both the Notification of Remediation of Fire Safety Defects and the Certificate of Remediation Fire safety defects (at completion stage) will be required to demonstrate compliance with the relevant regulatory requirements. (see Appendices E and F)

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15.0 Carrying Out Remedial Works

The extent of remedial works required to address fire safety defects are collated in the RWP, associated drawings and specifications.

Remediation works may be required to both the interior of apartments/duplexes and the common areas of buildings containing them. This may present logistical challenges for OMCs in providing access to all parts of the building to the builder when carrying out remedial works. However, Section 13 of the Multi-Unit Developments Act 2011 provides OMCs with the right to effect essential repairs and access individual properties.

Remedial work shall be completed in accordance with the RWP.

The remedial works shall be inspected by the competent professional, specialist designers and specifiers in accordance with the coordinated Inspection Plan prepared prior to the commencement of the works.

15.1 Competent Builder

Works should be carried out by competent builders and competent building sub-contractors that have demonstrated an acceptable level of training, knowledge, skills and experience.

Their competence may be demonstrated by registration on the Construction Industry Register Ireland (CIRI).

The builder is required to supervise the works in progress and to maintain records of the works. Records may provide an insight into the remediation works that typically warrant closer supervision. This will assist with reducing the risk of non-compliant works.

16.0 Implementation of the Inspection Plan

During the course of the remediation works the competent professional and specialist designers should conduct their inspections in accordance with the Inspection Plan (see sample template Appendix C). Additional inspections may be undertaken as necessary in response to issues arising during ongoing site works.

Records of each inspection should be maintained and coordinated by the competent professional, assisted by specialist designers and should be sufficient to identify the relevant defect, identify the remedial action undertaken, and any other work as necessary.

It is important, to ensure that proper, evidence-based inspection arrangements and procedures are in place to record and document the defects remediation.

16.1 Builder's Supervision of Works

The thoroughness of the supervision regime employed by the builder during the execution of the works is critical in ensuring a satisfactory outcome, and for certification of works upon completion.

In advance of commencement, the builder should advise the competent professional of the personnel who will be supervising the works, and their relevant experience.

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17.0 Completion of Remedial Works

At completion of the remedial works, the competent professional is required to submit the following to the Fire Authority:

- Certificate of Remediation Fire Safety Defects
- Inspection Plan as implemented
- Updated Fire Safety Risk Assessment
- Plans, calculations, specifications and particulars, showing how the completed building has achieved compliance with this COP.

Both the Notification of Remediation of Fire Safety Defects, and the Certificate of Remediation Fire Safety Defects will be required in all cases where fire safety remediation works are proposed and carried out (see Appendices E and F).

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Appendix A: Extracts from Recommendations of the report of the Working Group to Examine Defects in Housing

(R5) Interim Measures

Where necessary, interim measures should be carried out, pending the implementation of full remedial works, to enable continued use of the building as an apartment/duplex building.

As per the report of the Working Group to Examine Defects (Section 6.5.2.3 states

Interim measures are measures or works that may need to be carried out pending the implementation of full remedial works.

Interim measures will be required only in certain cases. They should be based on the findings of an initial survey report and subsequent risk assessment. Interim measures may be temporary, or part of the long-term remedial works.

Interim fire safety measures may include enhancement of the fire detection and fire alarm system, and in extreme cases may involve the presence of fire wardens. Where interim fire safety measures are proposed, the Fire Authority should be consulted and may exercise powers under the Fire Services Acts 1981 and 2003).

(R7) Standard of Remedial Works

a) Apartments/duplexes should, where practicable, be remediated to the standard that applied at the time of their original construction, e.g. in respect of fire safety, the original Fire Safety Certificate or appropriate Technical Guidance Document.

b) Where it is not practicable to achieve the standard identified at a), alternative approaches and options should be considered that provide a reasonable level of life safety protection in accordance with the Fire Services Acts 1981 & 2003.

(R8) Code of Practice

a) To support the development of a reasonable and practicable approach to resolving defects, and in order to ensure a consistent approach nationwide to remediation, a Code of Practice should be developed to provide guidance to building professionals and Local Authority building control / Fire Authority.

b) The scope of the Code of Practice should cover the following:

- (i) Identification of defects / initial building survey and report
- (ii) Safety risk assessment of defects
- (iii) Standard for remedial works

- (iv) Prioritisation of remedial works
- (v) Identification of interim measures
- (vi) Alternative approaches and options for remedial works
- (vii) Scheduling of remedial works
- (viii) Carrying out of remedial works
- (ix) Certification of remedial works

c) In relation to fire safety defects, use of the provisions in Section 18A of the Fire Services Acts 1981 & 2003 for the preparation of the proposed Code of Practice should be considered. This is in order to provide guidance on a reasonable level of remedial works to address fire safety defects in apartments/duplexes constructed between 1991 and 2013.

(R10) Certification

Remedial works should be certified in a prescribed format by both the competent building professional and the competent builder, in accordance with this COP.

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Appendix B: Priority Ratings Outcomes

Table B3 Risk Rating Findings and Recommendations							
Risk Item Number	Risk Item Description	Photo	Recommended Interventions	Impact Rating	Likelihood Rating	Overall Risk Rating	Intervention Priority-
BUILDING(-----)							
FLOOR LEVEL(-)							
	Description in words of the unacceptable Risk Item	Photograph illustrating the Risk Item	Description of remedial action or actions or actions required. See Note(1)	X	Y	XY	A or B or C
1							
2							
FLOOR LEVEL(-)							
1							
EXTERNAL ISSUES							
E.1							
FIRE SAFETY MANAGEMENT ISSUES							
M.1							
Notes: 1. In some instances, there may be a short term and a longer term recommendation. In those cases, the competent professional should set out the basis for the two stage approach 2. Column 8 to be colour coded red, amber or green, according to the risk rating and as per Table B1 above							

Appendix C: Sample Inspection Plan

Sample inspection plan (as implemented)		
Stage of Work	Inspection by the competent professional	
	Confirmation of inspection of priority elements as identified in the Inspection Plan and other appropriate checks, as deemed necessary	
	Elements Inspected	Date of inspection by competent professional
NOTE: The contractor must supervise ALL elements as work progresses		

Appendix D: Dates of Application and Transitional Arrangements of Technical Guidance Documents

		Year				1991				1992				1993				1994				1995				1996				1997				1998				1999				2000				2001				2002															
		Month				Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4																				
Part / TGD	Status																																																																
	A	Transitional Arrangement																																																															
		In effect																																																															
B - Buildings other than dwellings	Transitional Arrangement																																																																
	In effect																																																																
B - Dwellings	Transitional Arrangement																																																																
	In effect																																																																
C	Transitional Arrangement																																																																
	In effect																																																																

2003				2004				2005				2006				2007				2008				2009				2010				2011				2012				2013				2014				2015											
Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4																
								TGD A 1997 (Reprint 2005)																																																			
												TGD B 1997																																															
												TGD B 2006																																															
												TGD B 1997																																															
												TGD B 2006																																															
								TGD C 1997 (Reprint 2004)																TGD C 1997 (Reprint 2008)																																			

Appendix E: Notification of Remediation of Fire Safety Defects

Notification of Remediation of Fire Safety Defects

Note: The completed form should be submitted to the local authority in whose administrative area the building is located

Local Authority: _____ Unique Identifier: _____
(For official use only)

Part A – Relevant Building or Works

This Notification relates to the following building or works:

Building address (including Eircode):			
Apartment No.	Floor level	Eircode:	Related Common Areas (Yes/ No)

Part B – Owners Management Company (OMC) Details

OMC Name: _____

OMC Address (including Eircode): _____

OMC Contact Name: _____

OMC Contact Phone Number: _____

OMC Contact Email address: _____

1. On behalf of the Owners Management Company, I hereby give notice to:

Local Authority: _____

that I intend to commence remediation of fire safety defects to the building or works scheduled in Part A.

Date works will commence: _____

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Part C - Certificate signed by a competent Building Professional⁽²⁾

2. I confirm that I am the competent building professional appointed by the Owners Management Company referred to in Part B, to prepare a remedial works plan for the building or works referred to in Part A, which includes a plan for the design, specification and inspection of the works required to be carried out to the building.
3. I 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 for the remediation works plan.
4. I confirm that the design of the remedial works, identified below, has 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, to demonstrate compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the remedial works concerned.

**Please tick []
as appropriate**

- a. **Tier 1** – Compliance with the original Fire Safety Certificate. ☐

Fire Safety Certificate No. _____

Date Granted: _____

- b. **Tier 2** – Compliance with the original Fire Safety Certificate, with an acceptable variation as prescribed in the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003.

☐

Fire Safety Certificate No. _____

Date Granted: _____

c. **Tier 3** – Bespoke technical solution relevant to building design. ☐

5. Based on the above, I am satisfied, having exercised reasonable skill, care and diligence, that the remedial works have been designed to an acceptable standard in accordance with the remedial works plan, in compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the remedial works concerned.

6. I confirm that the Remedial Works Plan is included in the appendix to this Notification.

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Registration Number: _____

Where the signatory is performing the role for, or on behalf of, an employer or partnership please provide the name, address and contact details of the employer/partnership.

Name:

Address (including Eircode):

Contact Phone Number

Email Address:

Practice Registration Number (where relevant):

APPENDIX

Remedial Works Plan is attached hereto.

Explanatory Notes:

- (1) A “remedial works plan” means a plan for the design, specification and inspection of the works required to be carried out to the building, having regard to fire safety defects identified by the fire safety assessment and in consultation with the relevant Fire Authority.
- (2) A “competent professional” means 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

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Appendix F: Certification of Remediation of Fire Safety Defects

Certification of Remediation of Fire Safety Defects

Note: The completed form should be submitted to the Fire authority in whose administrative area the building is located

Fire Authority: _____ Unique Identifier: _____
(For official use only)

Part A – Relevant Building or Works

This Certificate of remediation relates to the following building or works:

Building address (including Eircode):			
Apartment No.	Floor level	Eircode:	Related Common Areas (Yes/ No)

Part B – Owners Management Company (OMC) Details

OMC Name: _____

OMC Address (including Eircode): _____

OMC Contact Name: _____

OMC Contact Phone Number: _____

OMC Contact Email address: _____

Part C - Certificate signed by the builder

2. I confirm that I am the builder appointed by the following Owners Management Company referred to in Part B, to carry out, supervise and certify the remedial works further to the remedial works plan,⁽¹⁾ and that I am competent to have undertaken the remedial works concerned.
3. I confirm, having exercised reasonable skill, care and diligence that the remedial works as completed have been carried out, under my supervision, in accordance with the remedial works plan.
4. Reliant on the foregoing, I am satisfied that the remedial works are in compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the remedial works concerned.

Signature: _____

(to be signed by a Principal or Director of a Builder Company only)

Date: _____

Name (BLOCK CAPITALS): _____

On behalf of: _____

Address: _____

Contact Phone Number: _____

Email Address: _____

Construction Industry Register Ireland Registration Number (where applicable):

Part D - Certificate signed by a competent Building Professional⁽²⁾

5. I confirm that I am the competent professional appointed by the Owners Management Company referred to in Part B, to implement a remedial works plan for the building, as notified to the Fire Authority by:

Notification of Remediation of Fire Safety Defects No. _____

6. I confirm that the design of the remedial works, is based on:

**Please tick []
as appropriate**

- a. **Tier 1** – Compliance with the original Fire Safety Certificate. ☐

Fire Safety Certificate No. _____

Date Granted: _____

- b. **Tier 2** – Compliance with the original Fire Safety Certificate, with an acceptable variation as prescribed in the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003. ☐

Fire Safety Certificate No. _____

Date Granted: _____

- c. **Tier 3** – Bespoke technical solution relevant to building design. ☐

7. I 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 for the Remedial Works Plan.

8. I confirm that, I have inspected the remedial works, at the stages outlined in the Remedial Works Plan (as implemented) appended to this Certificate.

9. Based on the above, I am satisfied, having exercised reasonable skill, care and diligence, that the remedial works have been completed to an acceptable standard in accordance with the remedial works plan, in compliance with the requirements of the *Code of*

Practice for the Remediation of Fire Safety Defects, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the remedial works concerned.

10. I confirm that the remedial works plan (as implemented), is included in the appendix to this Certificate and that I have advised the Owners Management Company in writing to seek professional advice from a competent building professional, if any future works to the building are planned.

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Registration Number: _____

Where the signatory is performing the role for, or on behalf of, an employer or partnership please provide the name, address and contact details of the employer/partnership.

Name:

Address (including Eircode):

Contact Phone Number

Email Address:

Practice Registration Number (where relevant):

APPENDIX

Remedial Works Plan (as implemented), Inspection Plan (as implemented), Ancillary Certificates are attached hereto.

Explanatory Notes:

- (3) A “remedial works plan” means a plan for the design, specification and inspection of the works required to be carried out to the building, having regard to fire safety defects identified by the fire safety assessment and in consultation with the relevant Fire Authority
- (4) A “competent professional” means 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 196

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Appendix G: Other Publications

Defects in Apartment- Report of the Working Group to Examine Defects in Housing published by the Department of Housing Local Government and Heritage (2022).

Code of Practice for Fire Safety Assessment of Premises and Buildings published by the Department of Housing Local Government and Heritage (2022).

“Framework for Enhancing Fire Safety in Dwellings where concerns arise” 2017

Fire Safety Guide for Building Owners and Operators - Guide for Persons having Control under Section 18(2) Fire Services Acts 1981 & 2003. (2023)

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Appendix H: Definitions

Definitions

For the purposes of this COP, the following definitions have been adopted:

Apartments/Duplexes:

Purpose-built apartment buildings, including duplexes, constructed in Ireland between 1991 and 2013.

Acceptable variation:

A variation which can be demonstrated to have no adverse effects on the Fire safety design and/or construction of the building, as per the Fire Safety Certificate as granted

Competent Professional

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.

Common Area

“Common area” means an area that is available for use by more than one person/owner, and all areas under the control of the owners’ management company, including the following areas:

- External walls, foundations and roofs and internal load bearing walls;
- Entrance halls, landings, lifts, lift shafts, staircases and passages; and
- All ducts and conduits other than ducts and conduits within and serving only one unit in the development.

Fire Safety Defect

A “fire safety defect” means a defect that is attributable to defective design, defective or faulty workmanship, defective materials (or any combination of these), that is in contravention of the requirements of Part B of the Building Regulations at the time of construction, and that in the event of fire adversely affects or is likely to adversely affect any of the following:

- The ability of people to safely evacuate the building

- The control of the spread of fire and smoke
- The structural integrity of the building
- Access and facilities for the fire services

Owners' Management Company

The “owners’ management company” (OMC) is usually a company made up of, and controlled by, all the owners of the homes and commercial units within the development. The OMC owns the common areas of the development and is responsible for the management, maintenance and repair of those areas. It may employ a property management agent to provide management services.

In conventional “build-to-sell” apartments or multi-unit developments (MUDs), membership of an OMC goes hand-in-hand with ownership of a home or property. In other words, each owner of a home or property is a member of the OMC. Each property is entitled to one vote in the OMC structure, as opposed to each member having one vote.

Property Management Agent

A person or company employed by an OMC to provide services in the management of the development. The agent acts under the instructions of the board of directors of the OMC.

Active Protection

Active protection are those systems which come into action on detection of fire e.g. fire detection and alarm system, automatically opening vent.

Circulation Space

A space (including a stairway) mainly used as a means of access between a room and an exit from the building.

Compartmentation

Sub-division of a building by fire-resisting walls or floors normally for the purpose of limiting fire-spread within the building.

Dry Riser

A dry riser is a normally empty pipe that can be externally connected to a pressurised water source by firefighters. It is primarily a vertical pipe, although there can be horizontal sections, intended to distribute water to multiple levels of a building or structure.

Emergency Escape Lighting

Lighting that provides illumination for the safety of people leaving the building when the normal lighting fails.

Escape Route

Route forming part of the means of escape from any point in a building to the final exit.

Final Exit

The termination of an escape route from a building giving direct access to a street, passageway, walkway or open space and sited to ensure the rapid dispersal of persons from the vicinity of a building so that they are no longer in danger from fire and/or smoke.

Fire Compartment

A part of a building constructed to prevent the spread of fire to or from another part of the building.

Fire Damper

Mechanical or intumescent device within a duct or ventilation opening, which is operated automatically in the event of fire, to prevent the passage of fire. (Where there is a need to prevent the passage of smoke, the fire damper needs to satisfy additional criteria.)

Fire Main

Water supply pipe installed in a block of flats for fire-fighting purposes, fitted with landing valves at specific points. The main may be 'dry', in which case it is fitted with inlet connections at fire and rescue service access level, so that it can be charged with water from pumping appliances. In tall blocks, the main is 'wet' and is permanently charged with water from a pressurised supply.

Fire Stopping

A seal provided to close an imperfection of fit or design tolerance between elements or components, to restrict the passage of fire and smoke.

Fire Door

A door, together with its frame, hinges, latches, hardware, glazing, and automatic self-closing device, provided for the passage of people, which, when closed, is intended to restrict the passage of fire and smoke to a predictable level of performance.

Intumescent strip/seal

Piece of material fitted around a doorway that when exposed to heat, expands closing any gaps around the door to stop the fire spreading for a period of time. Intumescent strips usually come with either 30 or 60 minutes of resistance to fire.

Means of Escape

A route(s) provided to ensure safe egress from the premises or other locations to a place of total safety.

Multi-Unit Building

A building containing two or more dwellings and using a common entrance.

Passive Protection

Refers to the defence against fire provided by the fabric and construction of a building.

Protected Stairway

A stairway that is adequately protected from the rest of the building by fire-resisting construction.

Riser

A cupboard located within the communal areas of apartment buildings, containing cabling for the main services provided to the individual apartments, e.g. telephones, satellite television, electricity etc.

Smoke Alarm

Device containing within one housing all the components, except possibly the energy source, for detecting smoke and giving an audible alarm.

Smoke Control System

This is a system that is used to limit the migration of smoke within a building due to a fire. There are several methods to limit this migration, and some are designed to provide a tenable environment for occupants to egress the building.

Storey

Any of the parts into which a building is divided horizontally above or below ground level.

Wet Riser

A Wet riser is a supply system intended to distribute water to multiple levels or compartments of a building, as a component of its firefighting system.

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Appendix D: Sample Pricing Schedule Template

Project Name:

[illegible]

Total Cost (excl. VAT) €0.00

Notes:

1. **Formula Accuracy:** Verify and double-check all formulas for accuracy. Any errors in formulas can lead to inaccurate results and affect the overall integrity of the information being provided. It is the user's responsibility to ensure correct formulas and information integrity.

Appendix E: Notification of Interim Remediation of Fire Safety Defects

Notification of Interim Remediation of Fire Safety Defects

Note: The completed form should be submitted to the Local Authority Fire Service in whose administrative area the building is located

Local Authority Fire Service: _____ Unique Identifier: _____
(For official use only)

Part A – Relevant Building or Works

This Notification relates to the following building or works:

Building address (including Eircode):			
Apartment No.	Floor level	Eircode:	Related Common Areas (Yes/ No)

Part B – Owners' Management Company (OMC) Details

OMC Name: _____

OMC Address (including Eircode): _____

OMC Contact Name: _____

OMC Contact Phone Number: _____

OMC Contact Email address: _____

1. On behalf of the Owners' Management Company, I hereby give notice to:

Local Authority: _____

that I intend to commence interim remediation of fire safety defects to the building or works scheduled in Part A.

Date works will commence: _____

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Part C - Certificate signed by a Competent Professional ⁽²⁾

2. I confirm that I am the Competent Professional appointed by the Owners Management Company referred to in Part B, to prepare an interim remedial works plan for the building or works referred to in Part A, which includes a plan for the design, specification and inspection of the works required to be carried out to the building.
3. I 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 for the remediation works plan.
4. I confirm that the design of the interim remedial works, identified below, has 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, to demonstrate compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the interim remedial works concerned.

**Please tick []
as appropriate**

- a. **Tier 1** – Compliance with the original Fire Safety Certificate. ☐

Fire Safety Certificate No. _____

Date Granted: _____

- b. **Tier 2** – Compliance with the original Fire Safety Certificate, with an acceptable variation as prescribed in the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003.

☐

Fire Safety Certificate No. _____

Date Granted: _____

- c. **Tier 3** – Bespoke technical solution relevant to building design.

☐

5. Based on the above, I am satisfied, having exercised reasonable skill, care and diligence, that the interim remedial works have been designed to an acceptable standard in accordance with the interim remedial works plan, in compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the interim remedial works concerned.

6. I confirm that the Interim Remedial Works Plan is included in the appendix to this Notification.

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Registration Number: _____

Where the signatory is performing the role for, or on behalf of, an employer or partnership please provide the name, address and contact details of the employer/partnership.

Name: _____

Address (including Eircode): _____

Contact Phone Number _____

Email Address: _____

Practice Registration Number (where relevant):

APPENDIX

Remedial Works Plan is attached hereto.

Explanatory Notes:

- (1) A “interim remedial works plan” means a plan for the design, specification and inspection of the works required to be carried out to the building, having regard to fire safety defects identified by the fire safety risk assessment and in consultation with the relevant Local Authority Fire Service.
- (2) A “competent professional” means 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.

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Appendix F: Certification of Interim Remediation of Fire Safety Defects

Certification of Interim Remediation of Fire Safety Defects

Note: The completed form should be submitted to the Local Authority Fire Service in whose administrative area the building is located

Local Authority Fire Service: _____ Unique Identifier: _____
(For official use only)

Part A – Relevant Building or Works

This Certificate of interim remediation relates to the following building or works:

Building address (including Eircode):			
Apartment No.	Floor level	Eircode:	Related Common Areas (Yes/ No)

Part B – Owners Management Company (OMC) Details

OMC Name: _____

OMC Address (including Eircode): _____

OMC Contact Name: _____

OMC Contact Phone Number _____

OMC Contact Email address: _____

Part C - Certificate signed by the Competent Builder

1. I confirm that I am the Competent Builder appointed by the Owners' Management Company referred to in Part B, to carry out, supervise and certify the interim remedial works further to the interim remedial works plan,⁽¹⁾ and that I am competent to have undertaken the interim remedial works concerned.
2. I confirm, having exercised reasonable skill, care and diligence that the interim remedial works as completed have been carried out, under my supervision, in accordance with the interim remedial works plan.
3. Reliant on the foregoing, I am satisfied that the interim remedial works are in compliance with the requirements of the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the remedial works concerned.

Signature: _____

(to be signed by a Principal or Director of a Builder Company only)

Date: _____

Name (BLOCK CAPITALS): _____

On behalf of: _____

Address: _____

Contact Phone Number: _____

Email Address: _____

Construction Industry Register Ireland Registration Number (where applicable):

Part D - Certificate signed by a Competent Professional⁽²⁾

4. I confirm that I am the Competent Professional appointed by the Owners Management Company referred to in Part B, to implement an interim remedial works plan for the building, as notified to the Local Authority Fire Service by:

Notification of Interim Remediation of Fire Safety Defects No. _____

5. I confirm that the design of the interim remedial works, is based on:

**Please tick []
as appropriate**

- a. **Tier 1** – Compliance with the original Fire Safety Certificate. ☐

Fire Safety Certificate No. _____

Date Granted: _____

- b. **Tier 2** – Compliance with the original Fire Safety Certificate, with an acceptable variation as prescribed in the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003.

☐

Fire Safety Certificate No. _____

Date Granted: _____

- c. **Tier 3** – Bespoke technical solution relevant to building design. ☐

6. I 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 for the Remedial Works Plan.

7. I confirm that, I have inspected the interim remedial works, at the stages outlined in the Interim Remedial Works Plan (as implemented) appended to this Certificate.

8. Based on the above, I am satisfied, having exercised reasonable skill, care and diligence, that the interim remedial works have been completed to an acceptable standard in accordance with the interim remedial works plan, in compliance with the requirements of

the *Code of Practice for the Remediation of Fire Safety Defects*, pursuant to Section 18A of the Fire Services Acts 1981 & 2003, insofar as they apply to the interim remedial works concerned.

9. I confirm that the interim remedial works plan (as implemented), is included in the appendix to this Certificate and that I have advised the Owners' Management Company in writing to seek professional advice from a Competent Professional, if any future works to the building are planned.

Signature: _____

Date: _____

Name (BLOCK CAPITALS): _____

Registration Number: _____

Where the signatory is performing the role for, or on behalf of, an employer or partnership please provide the name, address and contact details of the employer/partnership.

Name: _____

Address (including Eircode): _____

Contact Phone Number _____

Email Address: _____

Practice Registration Number (where relevant): _____

APPENDIX

Interim Remedial Works Plan (as implemented), Inspection Plan (as implemented), Ancillary Certificates are attached hereto.

Explanatory Notes:

- (1) A “interim remedial works plan” means a plan for the design, specification and inspection of the works required to be carried out to the building, having regard to fire safety defects identified by the fire safety risk assessment and in consultation with the relevant Local Authority Fire Service.
- (2) A “competent professional” means 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.

DRAFT

Appendix G: Sample Inspection Plan

Sample inspection plan (as implemented)		
Stage of Work	Inspection by the Competent Professional	
	Confirmation of inspection of priority elements as identified in the Inspection Plan and other appropriate checks, as deemed necessary	
	Elements Inspected	Date of inspection by Competent Professional
NOTE: The Competent Builder must supervise ALL elements as work progresses		

Appendix H: Engagement with the LAFS

Format of Submission – CP Submission by email only

- I. Notification form, signed, quoting The Housing Agency's registered number. The Competent Professional (CP) should also attach The Housing Agency's Phase 2 Letter, which would have been issued to Authorised Person No. 1.
- II. Fire Safety Assessment (FSA) should be carried out in accordance with the National Directorate for Fire & Emergency Management (NDFEM) Code of Practice for Fire Safety Assessment of Premises and Buildings. The FSA should include:
 - A list of relevant Fire Safety Certificates (FSC) for the development.
 - A complete set of as-built drawings, including fire safety annotations. (*Note 1*)
 - A high-level comparison of what has been constructed against what was approved in the granted FSC in terms of B1 to B5.
- III. The Fire Safety Risk Assessment (FSRA) should be carried out in accordance with the NDFEM Code of Practice for the Remediation of Fire Safety Defects (*Note 2*). A revised FSRA template will be circulated by The Housing Agency for completion. The FSRA must be comprehensive, ensuring sufficient investigations to uncover all potential fire safety risks, and should include photographs corresponding to drawing locations. The FSRA should include the following:
 - A systematic approach in terms of B1 to B5.
 - A reasonable approach for opening-up works: for each block, include two to four apartments and one common area (*Note 3*).
 - The tier number clearly defined in accordance with the NDFEM Code of Practice for the Remediation of Fire Safety Defects, along with a detailed rationale for tier selection.
 - Clearly identified Interim Fire Safety Measures, which could form an adjoining appendix to the FSRA for ease of reference.
 - Clearly identified balance of the Fire Safety Measures.
 - A completed checklist to confirm all elements have been investigated.
- IV. Completed Checklist for FSRA Investigate and Declaration.

Note 1: As-Built Drawings Submission Requirements

- a) As-built drawings must be provided as part of the submission, including fire safety annotations. Acceptable submissions include existing FSC layout drawings with CP confirmation that the as-built reflects the granted FSC submission.
- b) For minor alterations or amendments, these should be marked up on the FSC layout drawings and highlighted with revision bubble/cloud. Note: This applies only to minor changes, such as a missing vertical riser.
- c) If FSC layout drawings are unavailable, a full measured survey must be conducted to facilitate a desktop review of the submission.
- d) A Site Layout drawing that clearly defines the different block types within the development and indicate the locations of opening-up works.
- e) Cross-sectional drawing/sketch of façade build-ups for each different façade type is a requirement.
- f) Denote service runs and penetrations, include these details using compartmentation lines.

Note 2: FSRA

- a) A global FSRA for a development is acceptable, contingent upon consistent results from opening-up works across the development. However, if significant differences between blocks emerge, separate FSRA assessments for each block must be prepared to reflect these variations.
- b) FSRA should not be limited to the remediation scheme. Examples of management fire safety items that should be included: common areas being misused as storage, fire loads on external balconies, etc.

Note 3: Opening-up works

- a) Guidance for each block advises including two to four apartments and one common area, with the specific number depending largely on the scale and complexity of the block. In such cases, additional opening-up works will be necessary, and it is the responsibility of the CP to carry out sufficient opening-up works to allow for a comprehensive FSRA that accurately captures fire safety defects. If the LAFS deems that insufficient opening-up works have been conducted as part of the FSRA, the Phase 3 submission will be returned.

Note 4: Contact Point for Communicating

- a) The LAFS's contact point for communicating with an application submission is the Competent Professional only.

Note 5: Agreement on Interim Fire Safety Measures

a) LAFS will review the submission. In the absence of mutual agreement, the LAFS will determine the most appropriate interim measures required.

Note 6: What is not covered by the Interim Remediation Scheme

A. The scheme will not cover defects that came about because:

- The apartments and duplexes were not adequately maintained.
- Sinking funds did not plan funding to replace building and safety systems when they expired.
- Later building work undertaken by the Owners' Management Company (OMC) or its agents was not managed correctly, and this led to defects.

Abbreviations:

FSA: Fire Safety Assessment

NDFEM: National Directorate for Fire & Emergency Management

FSC: Fire Safety Certificate

FSRA: Fire Safety Risk Assessment

CP: Competent Professional

LAFS: Local Authority Fire Service

OMC: Owners' Management Company

Checklist for FSRA Investigation

General Notes:

- The Competent Professional should confirm that the following items have been investigated and sign the declaration below.
- Please note that this checklist is non-exhaustive and should be used as a guiding document to ensure that the principal elements of both a Fire Safety Assessment and a Fire Safety Risk Assessment have been completed.
- The Local Authority Fire Service does not approve specific products, details, or technical submittals. Competent Professionals must ensure the suitability and application of products.

Item	Confirmation
1. External Wall Build-Up	
A. Have you checked all external wall build-ups, including any variations present on one or multiple buildings?	Yes / No
B. Does the FSRA confirm the cavity barrier strategy and its compliance with Diagram 17 of TGD B, including verification of the materials used, fire performance of cavity barrier products, and their correct installation?	Yes / No
C. For buildings greater than 18m in height or more than six storeys, does the FSRA include a review of the existing cladding systems in accordance with the 'Fire Safety Guidance Note 01 of 2017' published by the Department of Housing, Planning and Local Government?	Yes / No
2. Common Escape Routes – Active Systems to be assessed:	
A. Fire Detection Alarm System: • Is the system tested as part of the FSRA with a record of decibel levels achieved? • Has a full review of the existing FDAS, including CIE, detectors, remote indicators, MCPs, cabling infrastructure, and other components, been conducted? • Have any non-compliance issues with the relevant IS 3218 standards been identified in the review?	Yes / No
B. Emergency Lighting: • Is the system tested as part of the FSRA with a record of lux levels achieved?	Yes / No

• Has a full review of the existing EML been conducted? • Have any non-compliance issues with the relevant IS 3217 standards been identified in the review?	
C. Smoke Ventilation of Escape Routes	Yes / No
D. Electrical Installations	Yes / No
E. Gas Installations	Yes / No
3. Common Escape Routes – Passive Systems to be assessed:	
A. Service Risers: How have the Service Risers been constructed?	Yes / No
B. Protected Entrance Halls: How have the Entrance Halls been constructed?	Yes / No
4. Fire Stopping	
A. Have all electrical services (including data/TV) routes been identified and surveyed at sample locations throughout all blocks?	Yes / No
A. Have all water service routes been identified and surveyed at sample locations throughout all blocks?	Yes / No
B. Have all drainage (including soils) routes been identified and surveyed at sample locations throughout all blocks?	Yes / No
C. Have all gas services been identified and surveyed at sample locations throughout all blocks? Is the internal routing of the gas compliant with TGD B?	Yes / No
D. Fire/Smoke Dampers (FDAS): Common areas and inside individual units.	Yes / No
5. Fire Doors	
A. The assessment of fire doors must include those internal to apartments where necessary. The assessment should also include an appraisal of the frame build-up and required remedial work.	Yes / No
6. Compartmentation	
A. Have the junctions between fire-rated elements (e.g., wall-to-wall, where wall meets floor) been assessed?	Yes / No
B. Have roof spaces or other voids been checked to ensure fire-rated construction is maintained and that the voids do not provide a route for fire/smoke to bypass?	Yes / No

7. Fire Rating of Structural Elements	
A. Has the fire rating of structural elements been assessed?	Yes / No
B. Is the typical layout of loadbearing walls and elements highlighted on the as-built floor plan?	Yes / No
8. Fire Service Access and Installations	
A. Have fire service access and installations, including water supply, been assessed?	Yes / No
9. Basement Car Park Construction	
A. Has it been confirmed that the basement car park is constructed of non-combustible materials?	Yes / No
10. Fire Safety Management	
A. Has fire safety management been assessed?	Yes / No

Declaration:

I, [CP Name], hereby declare that:

1. All information provided in this submission is true and accurate to the best of my knowledge.
2. I understand that any false or misleading information may result in the rejection of my submission.
3. I have reviewed and understood the guidance provided in the Applicant Pack regarding Phase 3's engagement with the Local Authority Fire Service.

Signature: _____

Date: _____