

Appendix A - Building Control (amendment) Regulations 2014 (S.I. 9)

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General

New building control regulations, called the Building Control (Amendment) Regulations (or BC(A)R) came into force on 1st March 2014 and are legally binding from that date. The overall objective of the revised building control system is to achieve better building construction. The aim is to ensure that all involved in the construction process and the regulatory system work effectively to achieve this.

These regulations apply to all new build and extension projects (except extensions to dwellings less than 40m² in floor area) and to all projects that require a Fire Safety Certificate.

New duties for Building Owner

Under these Regulations the Building Owner has particular obligations to comply with, as follows:

- (a) Ensure that a Fire Safety Certificate and a Disability Access Certificate are obtained where required
- (b) Sign a Commencement Notice (or 7 day notice) that is lodged with the appropriate Building Control Authority.
- (c) Sign and submit a notice for the assignment of:
 - (i) a competent registered professional (the Assigned Certifier), who will inspect the building works during Construction and provide a certificate of compliance on completion, and
 - (ii) a competent Builder to construct in accordance with the plans, specifications and Building Regulations and to sign the Certificate of Compliance on completion. Builders included on the Construction Industry Register Ireland or equivalent may be regarded as competent for projects consistent with their regulation profile.
- (d) Ensure that adequate resources and Competent Persons are made available to design, construct, inspect and certify the building works.
- (e) Promptly appoint a replacement Assigned Certifier or Builder where the Assigned certifier or Builder withdraws from the project for whatever reason; where this happens the Building Owner is required under the Building Control Regulations to give notice to the Building Control Authority of the new assignment; at all times the Building Owner should use reasonable endeavours to ensure that an Assigned Certifier and Builder are in place.
- (f) Where there is a change of Building Owner, prior to the submission of the completion certificate, the new Building Owner is required under the Building Control Regulations to give notice of the change of Building Owner and also to notify the Building Control Authority in writing of all appointments that are in place.
- (g) Maintain records.

For devolved projects the School Authorities are considered to be the Building Owner for the purposes of these regulations.

Obligations (a), (b) and (d) already apply under existing regulations. Obligation (c) (i) above is the main new requirement to be considered at Consultant appointment stage. The role of Assigned Certifier is a requirement since 1st March 2014 and there is an obligation on the Building Owner to appoint a qualified and competent professional to act in this role on all projects to which the Building Control (Amendment) Regulations apply.

You should seek the advice of your appointed consultant(s) (including the Assigned Certifier) in relation to obligation (c) (ii) and any other duties of the Building Owner.

The Assigned Certifier

The Assigned Certifier is the person assigned by the Building Owner as required under the Building Control (Amendment) Regulations 2014. They undertake to inspect, and to co-ordinate the inspection activities of others during construction, and to certify the building works on completion. The role of Assigned certifier does not include responsibility for the supervision of any builder. They may or may not be a member of the Design Team.

For projects covered by this guidance and where BC(A)R applies, the appointed Consultant will act as Assigned Certifier and the cost of providing this service will be included in the tendered fee.

The Assigned Certifier is required to do the following:

- (a) provide and sign the relevant statutory certificates - the form of undertaking at commencement and the Certificate of Compliance on Completion;
- (b) co-ordinate the ancillary certification by members of the design team and other relevant bodies for the Certificate of Compliance on Completion;
- (c) identify all design professionals and specialists, in conjunction with the Builder, from whom certificates are required;
- (d) identify all certificates required and obtain them;
- (e) co-ordinate and collate all certification of compliance for completion in conjunction with the Builder;
- (f) in consultation with the members of the design team, plan and oversee the implementation of the Inspection Plan during Construction;
- (g) prepare the Preliminary Inspection Plan and oversee adherence to this plan, and on completion provide the Inspection Plan as implemented;
- (h) on termination or relinquishment of their appointment make available to the Building Owner all certification prepared and inspection reports carried out;
- (i) act as the single point of contact with the Building Control Authority during construction;
- (j) seek advice from the Building Control Authority, in respect of compliance matters relating to the building or works where disputes or differences of opinion arise between the parties to the project; and
- (k) maintain records of inspection.

Consultants tendering for your project are required to be familiar with the implications of these regulations.

