

REQUIREMENTS UNDER BUILDING CONTROL LEGISLATION

The Building Control Act 1990 and the Building Regulations/ Building Control Regulations came into effect on 1 June 1992. This established that City and County Councils were Building Control Authorities

The legislative framework of the building control system is contained in the following:

Building Control Acts, 1990 - 2007
Building Control Regulations, 1997-2009
Building Regulations, 1997 to 2008
European Communities Energy Performance of Buildings) Regulations 2006-2008

The purpose of the Building Regulations is to promote good practice in the design and construction of buildings in the interests of health, safety and welfare of persons who use buildings.

The basic requirements to be observed in the design and construction of buildings are set out in the twelve separate technical guidance documents as follows:

- A Structure
- B Fire Safety
- C Site Preparation and Resistance to Moisture
- D Materials and Workmanship
- E Sound
- F Ventilation
- G Hygiene
- H Drainage and Waste-water Disposal
- J Heat-producing Appliances
- K Stairways, Ladders, Ramps and Guards
- L Conservation of Fuel and Energy
- M Access for Disabled People.

The Regulations apply to all new buildings, extensions, material alterations and certain changes in use of existing buildings commenced on or after the 1 June 1992.

Building Control Act, 1990

The Building Control Act, 1990, provides for a number of measures which include:

- the establishment of building control authorities
- power to inspect buildings and associated design, plans etc.
- power to enforce the Building Regulations/Building Control Regulations by Service of Notice
- power to obtain a High Court Order in urgent cases
- power to prosecute offenders.

All of these powers are available to the Building Control Authority, which is authorised to carry out sufficient checks of design data, and also checks during construction, to promote the observance of the Building Regulations.

Notwithstanding these checks, **the primary responsibility for compliance rests with the owners, the designers and the constructors. The Act places a statutory duty on this group to ensure that the requirements of the Building Regulations and the Building Control Regulations are observed.**

Building Control Act 2007:

In summary, the Act amends/strengthens the powers of local building control authorities under the Building Control Act 1990 and

- Widens the right of building control authorities to seek an Order from the High Court or the Circuit Court to stop work on certain buildings.
- Introduces the option for authorities to bring summary prosecutions for all building code offences in the District Court
- Increases the maximum penalties for breaches of the national Building Regulations
- Introduces revised procedures for issue of Fire Safety Certificates
- Introduces a requirement for Disability Access Certificates (DAC) in respect of buildings or works subject to Fire Safety Certification procedure
- Allows for payment to Building Control Authorities of fines and costs in relation to court proceedings
- Provides for the registration of the titles of “Architect”, “Building Surveyor” and “Quantity Surveyor”
- Transposes certain provisions of the EU Directive on Recognition of Professional Qualifications.

Under the Building Control Regulations 1997-2009

- You are required to submit a commencement notice and fee of €30 per building to the Building Control Authority, within a period of not less than 14 days and not more than 28 days in advance of the commencement of works. The notice contains full details of the works proposed and the names of those responsible so that the authorities may exercise their inspection powers, if they choose to do so.
- You are required to submit a Fire Safety Certificate application in respect of new buildings, extensions, material changes of use and certain material alterations to the Building Control Authority, with exemptions for houses and certain agricultural buildings. New Fire Safety Certificate procedures come into operation on 30 September 2009.
- From the 1st January 2010 all buildings requiring Fire Safety Certificates will require a Disability Access Certificate from the Building Control Authority prior to commencement of construction.

Further information can be obtained at the Department of Environment, Heritage and Local Government at <http://www.environ.ie/en/DevelopmentandHousing/BuildingStandards/>