

# ***GUIDE TO THE BUILDING CONTROL SYSTEM***

This leaflet is a simple guide to understanding the building control system, which applies to the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

The leaflet is intended as a practical guide. It is not a definitive legal interpretation of building control law. For more information, you should consult your local building control authority.

## **1. What are the Building Regulations 1997 - 2000?**

Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to and certain changes of use of existing buildings.

Building Regulations provide for, in relation to buildings, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities.

The Consolidated Regulations came into force on 1 July, 1998, and replace the Building Regulations, 1991 (as amended). The amended Part M came into force on 1 January, 2001. The amended Part L will come into force on 1 January, 2003 (new dwellings) and 1 July, 2003 (replacement of external doors, windows and roof lights).

## **2. How are the Regulations framed?**

The Regulations comprise a set of legal requirements, expressed in simple functional statements. These address the following matters:

|   |          |
|---|----------|
| Structure                                   | - Part A |
| Fire Safety                                 | - Part B |
| Site Preparation and Resistance to Moisture | - Part C |
| Materials and Workmanship                   | - Part D |
| Sound                                       | - Part E |
| Ventilation                                 | - Part F |
| Hygiene                                     | - Part G |
| Drainage & Waste Water Disposal             | - Part H |
| Heat Producing Appliances                   | - Part I |
| Stairways, Ladders, Ramps and Guards        | - Part J |
| Conservation of Fuel and Energy             | - Part K |
| Access for People with Disabilities         | - Part M |

Technical guidance on how to comply with these requirements are set out in twelve separate Technical Guidance Documents, which deal with each of the above areas.

## **3 How do they affect me?**

If you are having construction work carried out, the work must comply with Regulations. The Regulations do not apply to works consisting of repairs or renewal (as defined in the Regulations).

## **4 What if I fail to comply?**

The primary responsibility for compliance rests with designers, builders and building owners. Building control authorities have powers to inspect design documents and buildings, as well as powers of enforcement and prosecution where breaches of the

Regulations occur.

There are heavy penalties, including fines and imprisonment, for breaches of the Regulations. In addition, when it comes to selling your property, you may have difficulties if you cannot satisfy the purchaser's solicitor that the requirements of the Regulations have been met.

What control arrangements are in place?

The Building Control Regulations, 1997 - 2002 supplements the basic system of enforcement referred to in Question 4 above.

Two important control arrangements are provided:

- \* Commencement Notice
- \* Fire Safety Certificate

### **6 What is a Commencement Notice?**

A commencement notice is a notification to a building control authority that a person intends to carry out either works or a material change of use to which the Building Regulations apply. The notice must be given to the authority not more than 28 days and not less than 14 days before commencement of works or a material change of use.

The notice must be accompanied by a Commencement Notice fee, based on the number of buildings (details available from your local building control authority). Copies of a commencement notice can also be obtained from the building control authority.

Commencement notices are required for the following:

- The erection of a building;
- a material alteration or extension of a building;
- a material change of use of a building;
- works in connection with the material alteration (excluding minor works) of a shop, office or industrial building.

A commencement notice is not required for works or a change of use which are exempted development under the planning code, and for which a fire safety certificate is not required. Information on exempted development is given in other leaflets in this series, including PL.5 - Doing Work about the House, PL.6 - Agricultural and Farm Development, and PL.7 - Planning for the Business Person.

### **7 What is a Fire Safety Certificate?**

A certificate granted by a building control authority certifies that the building or works, if constructed in accordance with the plans, documents and information submitted to the authority, would comply with the requirements of Part B of the Second Schedule to the Building Regulations, 1997 - 2000.

### **8 Do I need a Fire Safety Certificate?**

With the exception of houses and certain agricultural buildings, a fire safety certificate is required for all new buildings (including apartments and flats), as well as material changes of use and certain alterations and extensions to buildings. A fire safety certificate must be obtained before work starts.

### **9 Where do I get a Fire Safety Certificate?**

Before you begin any work or make a material change of use, you should apply to the local building control authority for a fire safety certificate. Application forms are available from the authority and should be submitted together with -

- \* plans, calculations and specifications for the works or building;
- \* details of the nature and extent of the proposed use and, where appropriate, of the existing use of the building;
- \* the appropriate fee, based on floor area (details available from your local authority).

Any application not including the above can be rejected by the authority as invalid.

### **10 How long should it take to get a Fire Safety Certificate?**

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g when the authority seeks further information on your application. A Fire Safety Certificate may be granted with or without conditions, or refused.

### **11. Can I appeal if I am refused a Fire Safety Certificate?**

Yes. An applicant for a certificate can appeal to An Bord Pleanála against a refusal, within one month of the decision (details of the appeal fee are available from your local authority or An Bord Pleanála).

### **12. Do the Regulations have any requirement for access for people with disabilities?**

Yes. The Regulations aim to ensure that buildings other than dwellings are accessible and usable by people with disabilities. From 1 January 2001 all new dwellings must be visitable by people with disabilities. The requirements cover the access and use of buildings, provision of sanitary facilities, audience or spectator facilities.

Technical Guidance Document M - Access for People with Disabilities provides guidance on the provision of :

- \* at least one entrance accessible to wheelchair users;
- \* an internal layout which allows disabled people to circulate freely;
- \* a passenger lift in buildings above a certain size;
- \* a proportion of hotel guest bedrooms suitable for disabled people;
- \* wheelchair spaces in theatres, cinemas, concert halls and sports stadiums; and
- \* facilities for people with hearing impairments in theatres, cinemas, concert halls and places of religious worship.