



STATUTORY INSTRUMENTS

S.I. No. 351 of 2009

BUILDING CONTROL (AMENDMENT) REGULATIONS 2009

(Prn. A9/1260)

BUILDING CONTROL (AMENDMENT) REGULATIONS 2009

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 6 of the Building Control Act 1990 (No. 3 of 1990) (as amended by section 5 of the Building Control Act 2007 (No. 21 of 2007), section 7 of the Building Control Act 1990 (as amended by section 6 of the Building Control Act 2007 (No. 21 of 2007)) and section 18 of the Building Control Act 1990 (No. 3 of 1990) (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 233 of 2003)) hereby makes the following Regulations—

Citation.

1. (1) These Regulations may be cited as the Building Control (Amendment) Regulations 2009.

(2) These Regulations, the Building Control Regulations 1997 (S.I. No. 496 of 1997), the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000), the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004) may be construed as one and cited together as the Building Control Regulations 1997 to 2009.

Commencement.

2. These Regulations shall come into effect on 1 October 2009 except for the provisions of Article 8 which shall come into effect on 1 January 2010.

Application.

3. Article 3 of the Principal Regulations is amended by inserting the following after paragraph (4):—

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

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

Interpretation.

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th September, 2009.*

(2) In these Regulations, save where the context otherwise states:

“the Principal Regulations” means the Building Control Regulations, 1997 (S.I. No. 496 of 1997) as amended by the Building Control (Amendment) Regulations 2000 (S.I. No. 10 of 2000) and the Building Control (Amendment) Regulations 2004 (S.I. No. 85 of 2004);

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

“the Minister” means the Minister for the Environment, Heritage and Local Government.

(3) Article 5 of the Principal Regulations is amended by the substitution of the following for paragraph (4):

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

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

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

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

“application” means—

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

“the Board” means An Bord Pleanála;

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

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

“Building Regulations” means the Building Regulations, 1997;

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

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

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

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

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

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

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

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

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

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

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

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

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

“material change of use” means—

- (a) a change of use, deemed by section 3(3) of the Act to be a material change of use, takes place, or
- (b) a building which was not being used as—
 - (i) a day centre, becomes so used, or
 - (ii) a hotel, hostel or guest building, becomes so used, or
 - (iii) an industrial building, becomes so used, or
 - (iv) an institutional building, becomes so used, or
 - (v) an office (which is not ancillary to the primary use of the building), becomes so used, or
 - (vi) a place of assembly, becomes so used, or
 - (vii) a shop (which is not ancillary to the primary use of the building), becomes so used, or
 - (viii) a shopping centre, becomes so used;

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

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

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

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

“place of assembly” includes—

- (a) a theatre, public library, hall or other building of public resort used for social or recreational purposes,

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

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

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

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

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

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

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

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

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

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

“State authority” means any authority being—

- (a) a Minister of the Government, or
- (b) the Commissioners of Public Works in Ireland;

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

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

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

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

Amendment of Article 8 of the Principal Regulations.

5. The Principal Regulations are amended by inserting the following after article 8:

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

Amendment of Article 12 of the Principal Regulations.

6. (1) Article 12 of the Principal Regulations is amended—

(a) by substituting the following for paragraph (1):

“(1) Subject to paragraph (3), a fire safety certificate shall be required in respect of all works or buildings to which this Part applies.” and

(b) by inserting the following after paragraph (2):

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

Insertion of Part IIIA to the Principal Regulations.

7. The Principal Regulations are amended by inserting the following after article 20:

“PART IIIA — 7 DAY NOTICE, REVISED FIRE SAFETY CERTIFICATE,
REGULARISATION CERTIFICATE, STATUTORY DECLARATION AND 7 DAY
NOTICE STATUTORY DECLARATION.

7 Day Notice.

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

(i) all works or buildings to which Part III applies, pursuant to Article 11(1) of these Regulations, and

(ii) where it is proposed to commence work before grant of the relevant fire safety certificate.

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

- (2) A 7 day notice shall be—
- (a) in the form specified for that purpose in the Third Schedule, and
 - (b) shall be accompanied by—
 - (i) a valid application for a fire safety certificate from the applicant in the form specified for that purpose in the Third Schedule and accompanied by such plans and particulars as required under paragraphs (a) and (b) of article 13(2),
 - (ii) a 7 day notice statutory declaration in the form specified for that purpose in the Third Schedule, and
 - (iii) such fee as may from time to time be prescribed for that purpose in Part V.
- (3) (a) On receipt of a 7 day notice, a building control authority shall—
- (i) consider whether the application is in compliance with the requirements of paragraph (2), and
 - (ii) stamp the documents with the date of receipt.
- (b) Where a building control authority consider that a 7 day notice complies with the requirements of paragraph (2), they shall send to the applicant an acknowledgment stating the date of receipt of the notice.
- (c) Where a building control authority consider that a 7 day notice does not comply with paragraph (2), they may within 7 days of receipt of the notice, as they consider appropriate having regard to the extent of the failure to comply with the said paragraph, by notice—
- (i) inform the applicant that the 7 day notice is invalid and cannot be accepted by the authority, or
 - (ii) require the applicant to furnish such further or amended plans, calculations, specifications, documents or particulars or such additional fee, as may be necessary to comply with the said paragraph.
- (d) For the purposes of subparagraph (c), a building control authority may give or send any notice to the applicant by such of the following means as they consider effective:—
- (i) in writing and sent by post or personal delivery;

- (ii) subject to paragraph (e), by telephone, fax, electronic mail or such other means, whether electronic or otherwise, as may appear appropriate.
- (e) Where a building control authority give or send any notice to the applicant in any form other than in writing, the building control authority shall confirm such notice in writing to the applicant within fourteen days.

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

Revised Fire Safety Certificate.

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

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

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

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

- (a) such revised plans (including a site or layout plan and drawings of floor plans, elevations and sections) (in duplicate) and such other revised calculations, specifications or other particulars as are necessary to—
 - (i) identify and describe the works or building to which the application relates, and
 - (ii) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans, calculations, specifications and other particulars, comply with the requirements of Part B of the Second Schedule to the Building Regulations.
 - (b) such fee as may from time to time be prescribed for that purpose in Part V.
- (4) (a) On receipt of an application for a revised fire safety certificate, a building control authority shall—
- (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of paragraphs (2) and (3).
- (b) Where a building control authority consider that an application for a revised fire safety certificate complies with the requirements of paragraphs (2) and (3), they shall send to the applicant an acknowledgement stating the date of receipt of the application.
- (c) Where a building control authority consider that an application for a revised fire safety certificate does not comply with paragraphs (2) and (3), they may, as they consider appropriate having regard to the extent of the failure to comply with the said paragraphs, by notice in writing—
- (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
 - (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said paragraphs.
- (d) Where a building control authority serve a notice in accordance with subparagraph (c), they shall return to the applicant all the documents and the fee which accompanied the application.

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

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

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

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

Regularisation Certificate.

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

- (2) (a) An application for a regularisation certificate shall be in the form specified for that purpose in the Third Schedule.
- (b) An application for a regularisation certificate shall be accompanied by—
- (i) drawings of the relevant works as they have been commenced or constructed, so as to enable the building control authority to assess whether the said works, as commenced or as constructed in accordance with the said drawings, documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations,
 - (ii) a statutory declaration from the applicant in the form specified for that purpose in the Third Schedule, and
 - (iii) such fee as may from time to time be prescribed for that purpose in Part V.

- (3) (a) On receipt of an application for a regularisation certificate, a building control authority shall—
- (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of paragraph (2).
- (b) Where a building control authority consider that an application for a regularisation certificate complies with the requirements of paragraph (2), they shall send to the applicant an acknowledgement stating the date of receipt of the application.
- (c) Where a building control authority consider that an application for a regularisation certificate does not comply with paragraph (2), they may, as they consider appropriate having regard to the extent of the failure to comply with the said article, by notice in writing—
- (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
 - (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said paragraph.
- (d) Where a building control authority serve a notice in accordance with subparagraph (c), they shall return to the applicant all the documents and the fee which accompanied the application.
- (4) Where an application is made to a building control authority for a regularisation certificate, the authority, in considering such application, shall
- (a) be restricted to considering only the extent to which the works, if commenced or as constructed in accordance with the drawings, documents and information submitted, will comply or are in compliance, as appropriate, with the requirements of Part B of the Second Schedule to the Building Regulations, and
 - (b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.
- (5) Where a building control authority, having considered an application for a regularisation certificate, are disposed to granting such

certificate subject to any modification of the plans, documents or information to which the application relates, they may require the applicant to submit to them revised plans, documents or information providing for such modification and may decide to grant a regularisation certificate in respect of such revised plans, documents or information so submitted.

- (6) (a) A building control authority shall, having considered an application for a regularisation certificate and following an inspection of the building pursuant to paragraph (b), grant such certificate, with or without conditions or refuse to grant the certificate, as the case may be.
- (b) An authorised person shall be entitled to enter at all reasonable times into any land (subject to his producing, if so required, his authority in writing as such person) and thereon enter and inspect, for the purposes of these Regulations, any building and any plans or documents relating to such building.
- (c) In this article, an “authorised person” means a person authorised in writing by a building control authority to be an authorised person for the purposes of these Regulations.
- (d) Subsections (3) to (7) of the Building Control Act 1990 shall apply *mutatis mutandis* as if any reference therein to an authorised person was a reference to an authorised person appointed pursuant to this article.
- (e) A regularisation certificate granted under this Part shall only be construed as specifying, that in the opinion of the building control authority, the works as constructed in accordance with plans, documents and information submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations, subject to compliance (within a period of 4 months there mentioned) with any conditions attached to the certificate, including conditions as to the carrying out of additional works.

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

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

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

Insertion of Part IIIB to the Principal Regulations.

8. The Principal Regulations are amended by inserting the following after article 20C (9)(inserted by Article 7 of these Regulations):

“PART IIIB — DISABILITY ACCESS CERTIFICATE AND REVISED DISABILITY ACCESS CERTIFICATE.

Disability Access Certificate.

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

(2) Where a disability access certificate is required in respect of all works or buildings to which this Part applies, a person shall make an application to the building control authority for such certificate and not carry out such works or make a material change of use as regards such a building in contravention of Part M of the Building Regulations or any conditions subject to which the certificate is granted.

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

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

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

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

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

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

- (ii) such fee as may from time to time be prescribed for that purpose in Part V.
 - (4) (a) On receipt of an application for a disability access certificate, a building control authority shall—
 - (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of paragraph (3).
 - (b) Where a building control authority consider that an application for a disability access certificate complies with the requirements of paragraph (3), they shall send to the applicant an acknowledgement stating the date of receipt of the application.
 - (c) Where a building control authority consider that an application for a disability access certificate does not comply with paragraph (3), they may, as they consider appropriate, having regard to the extent of the failure to comply with the said paragraph, by notice in writing—
 - (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
 - (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said article.
 - (d) Where a building control authority serve a notice in accordance with sub-paragraph (c), they shall return to the applicant all the documents and the fee which accompanied the application.
- (5) Where an application is made to a building control authority for a disability access certificate, the authority, in considering such application, shall—
- (a) be restricted to considering only the extent to which the design or works complies with the requirements of Part M of the Second Schedule to the Building Regulations, and
 - (b) have due regard to any dispensation or relaxation in respect of, or which is relevant to, the works or building to which the application relates.
- (6) Where a building control authority, having considered an application for a disability access certificate, are disposed to granting such certificate subject to any modification of the plans, calculations, specifications or particulars to which the application relates, they may require the applicant to submit to them revised plans, specifications, or other particulars providing

for such modification and may decide to grant a disability access certificate in respect of such revised plans, specifications or particulars so submitted.

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

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

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

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

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

Revised Disability Access Certificate.

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

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

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

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

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

- (II) enable the building control authority to assess, whether the said works or building would, if constructed in accordance with the said plans and other particulars, comply with the requirements of Part M of the Second Schedule to the Building Regulations,
 - (III) identify the nature and extent of the proposed use and, where appropriate, of the existing use of the building concerned, and
- (ii) such fee as may from time to time be prescribed for that purpose in Part V of these Regulations.
- (3) (a) On receipt of an application for a revised disability access certificate, a building control authority shall—
- (i) stamp the documents with the date of receipt, and
 - (ii) consider whether the application complies with the requirements of paragraph (2).
- (b) Where a building control authority consider that an application for a revised disability access certificate complies with the requirements of paragraph (2), they shall send to the applicant an acknowledgement stating the date of receipt of the application.
- (c) Where a building control authority consider that an application for a revised disability access certificate does not comply with paragraph (2), they may, as they consider appropriate, having regard to the extent of the failure to comply with the said paragraph, by notice in writing—
- (i) inform the applicant that the application is invalid and cannot be considered by the authority, or
 - (ii) require the applicant to furnish such further plans, calculations, specifications or particulars, or such additional fee, as may be necessary to comply with the said article.
- (d) Where a building control authority serve a notice in accordance with subparagraph (c), they shall return to the applicant all the documents and the fee which accompanied the application.
- (4) Articles 20D(5), 20D(6) and 20D(7) shall apply *mutatis mutandis* as if any reference therein to an application or an application for a disability access certificate were a reference to an application for a revised disability access certificate and any reference to a certificate or a disability access certificate shall be construed accordingly.

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

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

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

Register.

9. (1) Article 21(1)(b) of the Principal Regulations is amended by inserting “or 7 day notice” after “commencement notice”.

(2) Article 21(1)(b) of the Principal Regulations is amended by inserting “or Part IIIA, as appropriate,” after Part II”.

(3) Article 21(1)(c) of the Principal Regulations is amended by inserting “, a revised fire safety certificate, a regularisation certificate, a disability access certificate, or a revised disability access certificate” after “fire safety certificate”.

(4) Article 21(1)(c) of the Principal Regulations is amended by inserting “Part IIIA or Part IIIB, as appropriate, ” after “Part III”.

Exemptions.

10. (1) Article 22(1) of the Principal Regulations is amended by inserting “7 day notice,” after “commencement notice,”.

(2) Article 22(1) of the Principal Regulations is amended by inserting “, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate” after “fire safety certificate”.

Exemptions for certain schools.

11. Article 22 of the Principal Regulations is amended by inserting the following after article 22 (2):

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

Requirement to pay fees.

12. (1) Article 23(1)(b) of the Principal Regulations is amended by inserting “a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,” after “fire safety certificate,”.

(2) Article 23(2)(a) of the Principal Regulations is amended by inserting “a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate,” after “fire safety certificate,”.

(3) Article 23(3)(b) of the Principal Regulations is amended by inserting “a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or a 7 day notice, ” after “fire safety certificate,”.

Standard fee.

13. Article 24(1)(b) of the Principal Regulations is amended by inserting “a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,” after “fire safety certificate,”.

Fee for alternative proposals.

14. Article 25 of the Principal Regulations is amended by substituting the following for paragraph (3):—

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

Refund of fee in case of certain repeat applications.

15. (1) Article 26(2)(a) of the Principal Regulations is amended by inserting “a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice,” after “fire safety certificate,”.

(2) Article 26(2)(b) of the Principal Regulations is amended by inserting “, a revised fire safety certificate, a regularisation certificate, a disability access certificate or a revised disability access certificate” after “fire safety certificate”.

(3) Article 26(3)(a) of the Principal Regulations is amended by inserting “, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or the submission of a 7 day notice” after “fire safety certificate”.

(4) Article 26(3)(b) of the Principal Regulations is amended by inserting “, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice” after “fire safety certificate,”.

(5) Article 26(3)(c) of the Principal Regulations is amended by inserting “revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice,” after “fire safety certificate,”.

(6) Article 26(3)(e) of the Principal Regulations is amended by inserting “, a revised fire safety certificate, a regularisation certificate, a disability access certificate, a revised disability access certificate or the submission of a 7 day notice” after “fire safety certificate”.

(7) Article 26(4) of the Principal Regulations is amended by inserting “, revised fire safety certificate, a regularisation certificate, disability access certificate, revised disability access certificate or submission of a 7 day notice” after “fire safety certificate”.

Documents, information etc in relation to appeal.

16. Article 30(1)(d) of the Principal Regulations is amended by inserting:

(i) “, section 7(1)(d) or section 7(1)(e)” after “section 7(1)(b)” and

(ii) “or Part M” after “Part B”.

Matters to be considered when determining an appeal.

17. Article 39 of the Principal Regulations is amended by inserting “, section 7(1)(d) or section 7(1)(e)” after “section 7(1)(b)”

Amendment of Article 39 of the Principal Regulations.

18. Article 39(a) of the Principal Regulations is amended by inserting “or Part M” after “Part B”.

Amendment of Article 42 of the Principal Regulations.

19. The Principal Regulations are amended by substituting the following for Article 42:—

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

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

Insertion of Article 43 to the Principal Regulations.

20. The following article is inserted after article 42 of the Principal Regulations (as amended by these Regulations):

“Prohibition on opening, operation or occupation of buildings.

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

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

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

Amendment of the Second Schedule to the Principal Regulations.

21. The following is substituted for the Second Schedule to the Principal Regulations:

"Article 9

SECOND SCHEDULE**FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT**

**(Notice to a Building Control Authority pursuant to Part II of the
Building Control Regulations 1997 to 2009)**

Building Control Authority:

OFFICIAL USE

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

1. I, the undersigned, hereby give notice/give notice on behalf of the person(s) named below **(at question 4)* to the above Building Control Authority (in accordance with Part II of the Building Control Regulations 1997 to 2009) that I/the persons named below **(at question 4)* intend to carry out the development as described below.
*(*Delete whichever is inappropriate)*

Signature: _____ Date: _____

Tel: _____ Fax: _____

Email: _____

Name of person(s): _____

Address: _____

Commencement date (of works): _____ Fee payable (€): _____

2a. PROJECT PARTICULARS: *(In addition, for Residential Developments, please complete Section 2b below)*

Description of proposed development: _____

Planning Permission No.: _____ Date Granted: _____

Date of expiry: _____

Fire Safety Certificate No. (if applicable): _____

Disability Access Certificate No. (if applicable): _____

Location of development: _____

2b. Residential Development Information:

Total no. of dwelling units (all phases*): _____ Total no. of phases* _____

Phase for this commencement notice: _____

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

Commencement date for this phase: _____

(Proposed) End-date for this phase: _____

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

3. Builder:

Name: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

4. Building Owner Details: (if different from Section 1 above)

Name: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

5. Building Designer Details:

Name: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

6. Information: Person(s) from whom such plans, documents and any other information, as are necessary to show that the building or works will, if built in accordance with design, comply with the requirements of the Building Regulations, may be obtained.

Name: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

7. Drainage System Foundations: Person(s) from whom notifications of the pouring of any foundations and/or the covering up of any drainage systems may be obtained.

Name: _____ Tel: _____ Fax: _____

Address: _____

Email: _____

Amendment of the Third Schedule to the Principal Regulations.

22. The following is inserted in the Third Schedule to the Principal Regulations after the form set out therein entitled Form of Application for a Fire Safety Certificate:

“FORM OF 7 DAY NOTICE

Article 20A(2)

<p>Building Control Acts 1990 and 2007</p> <p>7 Day Notice</p> <hr/>	
<p>Building Control Authority:</p> <p>_____</p>	<p style="text-align: center;">OFFICIAL USE</p> <p>Date Received _____</p> <p>Register Ref. _____</p> <p>Entered on _____</p> <p>Entered by _____</p> <p>Fee Received _____</p>
<hr/> <p>1. I, the undersigned, hereby give 7 days notice in advance of commencement of work on behalf of the person(s) named below <i>*(at question 4)</i> to the above Building Control Authority (in accordance with Part III A of the Building Control Regulations 1997 to 2009) that I / the person(s) named below <i>*(at question 4)</i> intend to carry out the development as described below.</p> <p><i>(*Delete whichever is inappropriate)</i></p> <p>Signature: _____ Date: _____</p> <p>Tel: _____ Fax: _____</p> <p>Name of person(s): _____ Email: _____</p> <p>Address: _____</p> <p>_____</p> <p>Commencement date (of works): _____ Fee payable (€): _____</p> <hr/> <p>2. PROJECT PARTICULARS:</p> <p>Description of proposed development: _____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

Planning Permission No.: _____ Date Granted: _____ Date of expiry: _____

Valid Fire Safety Certificate applied for (Date): _____

Fire Safety Certificate No.: _____

Location of development: _____

3. Builder Details:

Name: _____ Tel: _____

Address: _____

Email: _____ Fax: _____

4. Building Owner Details: (if different from Section 1 above)

Name: _____ Tel: _____

Address: _____

Email: _____ Fax: _____

5. Building Designer Details:

Name: _____ Tel: _____

Address: _____

Email: _____ Fax: _____

6. Information: Person(s) from whom such plans, documents and any other information, as are necessary to show that the building or works will, if built in accordance with design, comply with the requirements of the Building Regulations, may be obtained.

Name: _____ Tel: _____

Address: _____

Email: _____ Fax: _____

FORM OF 7 DAY NOTICE STATUTORY DECLARATION**Building Control Acts 1990 and 2007****7 Day Notice Statutory Declaration****Building Control Authority:**

OFFICIAL USE

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

I / We _____

of _____

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

Description of works: _____

located at _____

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

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

Signed: _____

Date: _____

Signed in the presence of Commissioner of Oaths:—

Name: _____

Address: _____

Signature: _____

Commissioner of Oaths

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

FORM OF APPLICATION FOR A REVISED FIRE SAFETY CERTIFICATE**Building Control Acts 1990 and 2007****Application for a Revised Fire Safety Certificate****Building Control Authority:**

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

Fee Received _____

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

Original Fire Safety Certificate application Reference No.: _____

Reason for Revised Fire Safety Certificate application: _____

Planning Permission Reference No.: _____

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

FULL NAME: _____

ADDRESS: _____

SIGNATURE: _____

TELEPHONE No.: _____

DATE: _____

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

NAME: _____

ADDRESS: _____

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

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

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

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

6. Site area	<u>Original Application</u>	<u>Revised Application</u>
Number of basement storeys	_____ (sq. metres)	_____ (sq. metres)
Number of storeys above ground level	_____	_____
Height of top floor above ground level	_____ (metres)	_____ (metres)

Floor area of building	_____	_____
	(sq. metres)	(sq. metres)
Total area of ground floor	_____	_____
	(sq. metres)	(sq. metres)
<hr/>		
7. Amount of Fee (accompanying this application) €_____		
<i>Revised set of working drawings must accompany this application.</i>		

FORM OF APPLICATION FOR A REGULARISATION CERTIFICATE

Article 20C(2)

Building Control Acts 1990 and 2007

Application for a Regularisation Certificate

Building Control Authority:

OFFICIAL USE

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

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

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

FULL NAME: _____

ADDRESS: _____

SIGNATURE: _____

TELEPHONE No.: _____ DATE: _____

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

2. Location of works or building: _____

3. Classification of works or building

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

4. Description of works or building:

5. Where a change of use applies:

(a) Existing use _____

(b) New use _____

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

(a) Number of basement storeys _____

(b) Number of storeys above ground level _____

(c) Height of top floor above ground level _____ (metres)

(d) Floor area of building _____ (sq. metres)

(e) Total area of ground floor _____ (sq. metres)

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

Floor area of extension _____ (sq. metres)

Floor area of material alteration _____ (sq. metres)

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

Date Planning Permission was granted: _____

Planning Reference No.: _____

9. Date construction started:	_____
Is construction of the building completed?:	<u>YES</u> <u>NO</u>
Date of completion:	_____
Is the building occupied or operational?:	<u>YES</u> <u>NO</u>
Is the building still under construction?:	<input type="checkbox"/> 25% <input type="checkbox"/> 50% <input type="checkbox"/> 75%
Have any modifications to the original design been made during construction?:	<u>YES</u> <u>NO</u>
If yes, was planning permission sought (if necessary) for the modifications?:	<u>YES</u> <u>NO</u>

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

Note:—

- 1. This Application Form for a Regularisation Certificate must be accompanied by a Statutory Declaration.**
- 2. This Application Form must be accompanied by a complete and certified set of drawings for the works or building as commenced or constructed.**

**FORM OF STATUTORY DECLARATION FOR A REGULARISATION
CERTIFICATE**

Building Control Acts 1990 and 2007

Regularisation Certificate Statutory Declaration

Building Control Authority: _____	OFFICIAL USE Register Ref. _____
---	--

I/We _____

of _____

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

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

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

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

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

Signed: _____

Date: _____

Signed in the presence of Commissioner of Oaths:-

Name: _____

Address: _____

Signature: _____

Commissioner of Oaths

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

FORM OF APPLICATION FOR A DISABILITY ACCESS CERTIFICATE**Building Control Acts 1990 and 2007****Application for a Disability Access Certificate****Building Control Authority:**

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

Fee Received _____

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

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

FULL NAME: _____

ADDRESS: _____

SIGNATURE: _____

TELEPHONE NO.: _____ DATE: _____

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

FULL NAME: _____

ADDRESS: _____

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

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

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

5. Classification of works or building:

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

Brief description of building:

6. Use of proposed works or building:

- (a) Existing use (where a change is proposed) _____
- (b) New use _____

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

(a) Date permission was granted _____

(b) Planning Permission No. _____

8. In the case of

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

Site area _____ (sq. metres)

Number of basement storeys _____

Number of storeys above ground level _____

Height of top floor above ground level _____ (metres)

Floor area of building _____ (sq. metres)

Total area of ground floor _____ (sq. metres)

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

Floor area of building extension _____ (sq. metres)

Floor area of material alteration _____ (sq. metres)

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

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

FORM OF APPLICATION FOR A REVISED DISABILITY ACCESS CERTIFICATE *Article 20E(2)*

Building Control Acts 1990 and 2007

Application for a Revised Disability Access Certificate

Building Control Authority:

OFFICIAL USE

Date Received _____

Register Ref. _____

Entered on _____

Entered by _____

Fee Received _____

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

Original Disability Access Certificate application Reference No.: _____

Reason for Revised Disability Access Certificate application: _____

Planning Permission Reference No.: _____

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

FULL NAME: _____

ADDRESS: _____

SIGNATURE: _____

TELEPHONE No.: _____ DATE: _____

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

NAME: _____

ADDRESS: _____

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

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

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

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

6. Site area

	<u>Original Application</u>	<u>Revised Application</u>
Number of basement storeys	_____ (sq. metres)	_____ (sq. metres)
Number of storeys above ground level	_____	_____
Height of top floor above ground level	_____ (metres)	_____ (metres)

Floor area of building	_____	_____
	(sq. metres)	(sq. metres)
Total area of ground floor	_____	_____
	(sq. metres)	(sq. metres)
<hr/>		
7. Amount of Fee (accompanying this application) € _____		

Revised set of working drawings must accompany this application.”.

Amendment of the Fourth Schedule to the Principal Regulations.

23. The following is inserted in the Fourth Schedule to the Principal Regulations after the form set out therein entitled Fire Safety Certificate:

“Article 20B(6)

FORM OF REVISED FIRE SAFETY CERTIFICATE

<p>Building Control Acts 1990 and 2007</p> <p>Revised Fire Safety Certificate</p>	
<p>Building Control Authority:</p> <p>_____</p>	<p style="text-align: center; margin: 0;">OFFICIAL USE</p> <p>Register Ref. _____</p>
<p>To. _____ (Applicant)</p> <p>Address _____</p> <p>_____</p> <p>_____</p>	
<p>Application for a Revised Fire Safety Certificate (Ref. No. _____) for:</p> <p>* (1) _____</p> <p>* (2) _____</p> <p>* (3) _____</p>	
<p><i>hereby certify that the works or building to which the application relates, will, if constructed in accordance with the plans, calculations, specifications and particulars submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2008. In considering this application no assessment has been made to whether the works or building will comply with the other requirements of the Second Schedule to the Building Regulations 1997 to 2008. This certificate is granted subject to the following conditions—</i></p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>Dated this _____ day of _____ 20_____</p>	
<p>Signed _____</p> <p style="text-align: center;">Senior Executive Officer / Town Clerk *(4)</p>	

Directions for completing this form:—

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

FORM OF REGULARISATION CERTIFICATE**Building Control Acts 1990 and 2007****Regularisation Certificate****Building Control Authority:**

OFFICIAL USE

Register Ref. _____

To. _____ (Applicant)

Address _____

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

*(1) _____

*(2) _____

*(3) _____

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

Dated this _____ day of _____ 20_____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

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

FORM OF DISABILITY ACCESS CERTIFICATE

Article 20D(8)

Building Control Acts 1990 and 2007

Disability Access Certificate

Building Control Authority:

OFFICIAL USE

Register Ref. _____

To. _____ (Applicant)

Address _____

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

*(1) _____

*(2) _____

*(3) _____

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

Dated this _____ day of _____ 20_____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

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

FORM OF REVISED DISABILITY ACCESS CERTIFICATE

Building Control Acts 1990 and 2007

Revised Disability Access Certificate

Building Control Authority:

OFFICIAL USE

Register Ref. _____

To _____ (Applicant)

Address _____

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

* (1) _____

* (2) _____

* (3) _____

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

Dated this _____ day of _____ 20_____

Signed _____

Senior Executive Officer / Town Clerk *(4)

Directions for completing this form:—

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

Amendment of the Fifth Schedule to the Principal Regulations.

24. The following is substituted for the Fifth Schedule to the Principal Regulations:

“FIFTH SCHEDULE*Article 24***Fees****Part A**

Column 1	Column 2
Application for a relaxation or dispensation	Dwelling €125 Other Buildings €250
Commencement Notice	€30 or, where— (a) the proposed works or the material change of use (as the case may be) relate to more than one building, and (b) neither Part III, nor Part III of the Building Control Regulations 1991 and 1994, apply to such works or buildings, €30 in respect of each building.
Application for Fire Safety Certificate or a revised Fire Safety Certificate in respect of	
(a) work in connection with the construction or extension of a building	€125, or €2.90 for each square metre of floor area being provided, whichever is the greater.
(b) work in connection with—	
(i) the material alteration of the interior of a building	€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.
(ii) the material alteration of the external surfaces of a building	€125
(iii) a combination of (i) and (ii) above	€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.
(c) a building in which a material change of use takes place	€125, or €2.90 for each square metre of relevant floor area, whichever is the greater.
(d) works on a building, where the building concerned will be used as an agricultural building	€65, or 80c for each square metre in excess of 300 square metres of— (i) gross floor area being provided, or (ii) relevant floor area as the case may be, whichever is the greater.

Column 1	Column 2
<p>Submission of a 7 Day Notice in respect of</p> <p>(a) work in connection with the construction or extension of a building</p> <p>(b) work in connection with—</p> <p style="padding-left: 40px;">(i) the material alteration of the interior of a building</p> <p style="padding-left: 40px;">(ii) the material alteration of the external surfaces of a building</p> <p style="padding-left: 40px;">(iii) a combination of (i) and (ii) above</p> <p>(c) a building in which a material change of use takes place</p> <p>(d) works on a building, where the building concerned will be used as an agricultural building</p>	<p>€250, or €5.80 for each square metre of floor area being provided, whichever is the greater.</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€250</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€250, or €5.80 for each square metre of relevant floor area, whichever is the greater.</p> <p>€130, or €1.60 for each square metre in excess of 300 square metres of—</p> <p style="padding-left: 40px;">(i) gross floor area being provided,</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(ii) relevant floor area</p> <p>as the case may be, whichever is the greater.</p>
<p>Application for a Regularisation Certificate in respect of</p> <p>(a) work in connection with the construction or extension of a building</p> <p>(b) work in connection with—</p> <p style="padding-left: 40px;">(i) the material alteration of the interior of a building</p> <p style="padding-left: 40px;">(ii) the material alteration of the external surfaces of a building</p> <p style="padding-left: 40px;">(iii) a combination of (i) and (ii) above</p> <p>(c) a building in which a material change of use takes place</p> <p>(d) works on a building, where the building concerned will be used as an agricultural building</p>	<p>€500, or €11.60 for each square metre of floor area being provided, whichever is the greater.</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€500</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€500, or €11.60 for each square metre of relevant floor area, whichever is the greater.</p> <p>€260, or €3.20 for each square metre in excess of 300 square metres of—</p> <p style="padding-left: 40px;">(i) gross floor area being provided,</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(ii) relevant floor area</p> <p>as the case may be, whichever is the greater.</p>
<p>Disability Access Certificate or Revised Disability Access Certificate</p>	<p>€800 per building</p>

Column 1	Column 2
Appeal	€250
Copy of a document specified in article 23(3)(a), (b) or (c)	€12.50

PART B

MAXIMUM AND MINIMUM FEES

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

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

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

- (a) €30 in the case of a commencement notice, or
- (b) €125 in respect of an application for a fire safety certificate or revised fire safety certificate,
- (c) €250 in respect of the submission of a 7 day notice,
- (d) €500 in respect of a regularisation certificate,
- (e) €800 in respect of a disability access certificate or a revised disability access certificate.”.



GIVEN under the Official Seal of the Minister for the Environment,
Heritage and Local Government,
this 4th day of September 2009

JOHN GORMLEY, T.D.,
Minister for the Environment, Heritage and
Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The Building Control (Amendment) Regulations prescribe the giving of a 7 day notice in respect of commencement of certain building works; the statutory declaration for such notice; the need to obtain a regularisation certificate (with statutory declaration), a revised fire safety certificate or a disability access certificate/revised disability access certificate in respect of certain works and the fees for such applications.

The Regulations amend certain provisions of the Building Control Regulations, 1997.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
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