

Commencement Notice

Building Control Regulations 1997 – 2014

Failure to submit a Commencement Notice when required is an offence.

If you commence works or a change of use in the absence of a Commencement Notice, there is no provision to retrospectively submit a Commencement Notice.

This may affect your ability to ever occupy, lease or sell your building.

1. What is a Commencement Notice?

A Commencement Notice is a notification to a Building Control Authority from a person who 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 the commencement of works or the change of use.

2. What works require a Commencement Notice?

Commencement Notices are required for the following:

- a) the erection of a building;
- b) a material alteration of a building;
- c) an extension to a building;
- d) a material change of use of a building;
- e) works in connection with the material alteration (excluding minor works) of a shop, office or industrial building where a Fire Safety Certificate is not required.

Generally a Commencement Notice is not required for:

- works or change of use where **both** Planning Permission and a Fire Safety Certificate are **not** required – except (e) above
- works which are exempt from the Building Regulations.

3. What additional requirements came in to effect on 1st March 2014?

On the 1st March 2014, new Regulations (S.I. 9 of 2014) relating to the commencement and certification of construction works came in to effect. For certain building works, the new regulations require that certificates of compliance and other additional documentation must be submitted with the Commencement Notice.

The main new additional requirements include:

- the nomination of a competent 'Assigned Certifier' to inspect and certify the works,
- the submission of certificates of compliance with the Commencement Notice,
- the building cannot be occupied until the certificate of compliance on completion is placed on the Register.

A commencement notice to which the additional requirements do **not** apply is generally referred to as;

- a "commencement Notice without documentation" or
- a "Short Commencement Notice"

4. Do these additional requirements apply to all Commencement Notices?

No. When submitting a commencement notice, the additional requirements and the need to also submit certificates along with the Notice only apply to the following works:

- Construction of a dwelling house,
- Extension of a dwelling house by more than 40 square meters,
- Works which require a Fire Safety Certificate.

5. What additional documents must I submit with my Commencement Notice?

Where the additional requirements apply and where certificates of compliance are required, the following must be submitted with the Commencement Notice:

- Certificate of Compliance (design),
- Certificate of Compliance (undertaking by Assigned Certifier),
- Certificate of Compliance (undertaking by builder),
- Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
- Notice of Assignment of Builder,
- Plans, calculations, specifications and particulars, which outline how the works will comply with all Building Regulations,
- The preliminary inspection plan,
- An online assessment of the proposed approach to compliance with the Building Regulations via the BCMS.

6. What is an Assigned Certifier?

An Assigned Certifier is a competent registered professional who undertakes to inspect the works during construction and to provide certification of compliance on completion.

You should check your Assigned Certifier's registration to ensure that they are entitled to sign certificates of compliance.

7. What is a Certificate of Compliance on Completion?

Where the additional requirements apply, a Certificate of Compliance on Completion must be lodged with the Building Control Authority and placed on the public register before the building may legally be opened, occupied or used.

The Certificate must be signed by the Assigned Certifier and the Builder. It certifies that the building or works have been carried out in accordance with the Building Regulations.

8. How do I submit my Commencement Notice?

The Commencement Notice and other documentation should be submitted online by using the Building Control Management System (**BCMS**) This system may be accessed via www.localgov.ie

Where the additional requirements apply the online assessment via the BCMS must be completed before the notice is submitted.

9. What is the Fee for a Commencement Notice?

The fee for a Commencement Notice is €30 per building, or if the Notice relates to multiple buildings requiring a Fire Safety Certificate, €30. Additional administration charges may be applied to notices which are not submitted online.

10. Where can I get more information?

You can get more information, or download copies of the Building Control Act and Regulations by visiting the Department of the Environment website (www.environ.ie), You may also refer to the Code of practice for inspecting and certifying buildings and works.

This 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 technical advisor.

Please Note.

*To reduce delays and to avoid additional charges, we would strongly advise that you lodge your commencement notice electronically via the Building Control Management System (BCMS)
www.localgov.ie*

Building Regulations and Fire Safety

It should be clearly understood that the granting of Permission under the Planning Act does not relieve the developer of their responsibility to comply with the Building Control Act, the Building Control Regulations, the Building Regulations or the Fire Services Act.

Fire Safety Certificates & Disability Access Certificates

- These certificates are required for most developments (other than single private dwelling houses and most agricultural buildings)
- It is an offence to carry out works in the absence of a Fire Safety Certificate where one is required.
- It is an offence to open, operate or occupy a building in the absence of a Fire Safety Certificate or a Disability Access Certificate, where one is required.

Construction Products Regulations

From the 1st July 2013, CE marking of construction products covered by harmonised European Standards is mandatory for all construction products placed on the market for which harmonised standards are in place. The Regulations aim to ensure that the reliable performance related data is made available, by means of Declarations of Performance.

Developers, designers and builders must be aware of and understand the new requirements on construction products.

Further information is available from www.corkcoco.ie

Copies of the Acts, Regulations and Technical Guidance Documents and information leaflets are available from the Department of the Environment's website www.environ.ie