



# **DÁIL ÉIREANN**

---

## **AN BILLE UM RIALÚ FOIRGNÍOCHTA 2005 BUILDING CONTROL BILL 2005**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE UM RIALÚ FOIRGNÍOCHTA 2005 —ROGHCHOISTE

### BUILDING CONTROL BILL 2005 —SELECT COMMITTEE

---

#### *Leasuithe Amendments*

---

#### SECTION 1

1. In page 5, subsection (1), line 21, after “Control” to insert “and Professional Registration”.

—Ruairi Quinn.

2. In page 5, between lines 28 and 29, to insert the following subsection:

“(4) Notwithstanding *subsection (3)*, *section 15* shall not be commenced until at least 3 years have elapsed after the commencement of *section 10*.”.

—Ruairi Quinn.

3. In page 5, between lines 28 and 29, to insert the following subsection:

“(4) Notwithstanding *subsection (3)*, *section 15* shall not be commenced until at least 3 years have elapsed post the commencement of *section 10*.”.

—Fergus O'Dowd.

#### SECTION 2

4. In page 5, subsection (1), line 29, to delete “, unless the context otherwise requires”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

5. In page 5, subsection (1), to delete lines 31 and 32 and substitute the following:

“ “adaptation period” means an adaptation period of such duration as the Admissions Board determines in accordance with the Directive;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

6. In page 6, subsection (1), line 6, to delete “determines” and substitute “determines in accordance with the Directive”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

7. In page 6, subsection (1), between lines 6 and 7, to insert the following:

“ “architect in practice” means an architect who has been working on a full-time basis as an architect for at least two out of the previous three years;”.

—Ruairi Quinn, Fergus O'Dowd.

[ SECTION 2 ]

8. In page 6, subsection (1), between lines 12 and 13, to insert the following:

““EEA measure” means a measure or decision taken by the Joint Committee under the EEA Agreement;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

9. In page 6, subsection (1), between lines 12 and 13, to insert the following:

““grandfather clause” means the provisions of this Act which enables a person to be registered as an architect based on training acquired by practical means;”.

—Fergus O'Dowd.

10. In page 6, subsection (1), to delete lines 15 to 18 and substitute the following:

“(a) on the State being required to implement an EEA measure having an effect corresponding to that of the Directive or any other Directive adopted by an institution of the European Union for the recognition of professional education and training, an EEA State;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

11. In page 6, subsection (1), line 20, after “state” to insert “(other than a Member State of the European Union)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

12. In page 6, subsection (1), between lines 23 and 24, to insert the following:

““prescribed” means prescribed by regulations made by the Minister under this Act;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

13. In page 6, subsection (1), to delete lines 27 and 28 and substitute the following:

““registered professional” means a person who is registered in the register under Part 3, 4 or 5, as the context requires;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

14. In page 6, subsection (1), line 28, after “Act” to insert the following:

“, or a chartered engineer as defined by section 7 of The Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969”.

—Fergus O'Dowd.

15. In page 6, subsection (1), to delete line 39 and substitute the following:

“of the Directive or any other Directive adopted by an institution of the European Union for the recognition of professional education and training, and”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

16. In page 7, subsection (1), line 5, to delete “1990” and substitute “1999”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 2 ]

17. In page 7, between lines 7 and 8, to insert the following subsection:

“(2) For the avoidance of doubt, the definition of “registered professional” in *subsection (1)* does not have the effect of requiring any class of person falling within that definition to be the subject of any designation or other specification in regulations under the Act of 1990 of a person or a class of person for any purpose of those regulations.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

18. In page 7, subsection (2), line 9, to delete “, unless the context otherwise requires,”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 4

19. In page 7, between lines 15 and 16, to insert the following new section:

“Amendment of section 3 (building regulations) of Act of 1990.

4.—Section 3 of the Act of 1990 is amended by the insertion of the following after subsection (13):

“(14) No building shall be built, opened, used or otherwise occupied, save in accordance with regulations under this section, including a fire safety certificate and any conditions attached thereto.”

—Fergus O'Dowd.

20. In page 8, lines 1 and 2, to delete “will promptly carry” and substitute the following:

“will, within such period as may be specified by the building control authority, carry”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

21. In page 8, line 24, to delete “building regulations,” and substitute the following:

“the provisions of building regulations relating to fire safety,”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

22. In page 8, line 38, to delete “certificate” and substitute “statutory declaration”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

23. In page 9, lines 16 and 17, to delete “if in its opinion the building or extension” and substitute the following:

“if in its opinion the design of the building or the extension”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

24. In page 9, lines 19 and 20, to delete “would comply with” and substitute the following:

“would comply (subject to any relevant dispensation or relaxation already granted under section 4 or 5 or to any appeal under section 7 which has been allowed) with”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

25. In page 9, line 34, to delete “and”.

—Fergus O'Dowd.

[ SECTION 4 ]

26. In page 9, to delete lines 35 to 45 and substitute the following:

“(xi) that all new building, or existing buildings 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, unless a fire safety certificate and disability access certificate (or, as the case may require, a revised or regularised certificate of either kind) has been granted by the building control authority;”.

—Ciarán Cuffe.

27. In page 9, to delete lines 40 to 45 and substitute the following:

“occupied—

(I) unless a fire safety certificate or disability access certificate (or, as the case may require, a revised certificate of either kind) or a regularisation certificate required by regulations under this Act has been granted by the building control authority in relation to the building, or

(II) if such an appeal is made to it, pending the determination by An Bord Pleanála of an appeal under section 7 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;”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

28. In page 9, line 45, after “authority” to insert the following:

“, and

(xii) that all submissions made be made by a registered professional”.

—Fergus O'Dowd.

29. In page 9, line 45, after “authority” to insert the following:

“, and

(xii) that any part of a building must have certain maximum dimensions before it can be described as a “room”.

—Fergus O'Dowd.

30. In page 9, line 45, after “authority” to insert the following:

“, and

(xii) that the ceilings of rooms within any building shall be of certain maximum height”.

—Fergus O'Dowd.

31. In page 9, between lines 45 and 46, to insert the following:

“(xii) that a building to which the regulations apply shall not be opened, operated or occupied unless a certificate confirming that the regulations have been complied with has been granted by the building control authority.”.

—Ruairi Quinn.

[ SECTION 4 ]

32. In page 9, to delete lines 48 to 58 and in page 10, to delete lines 1 and 2 and substitute the following:

“(i) the form and content of—

(I) certificates of compliance,

(II) applications for fire safety certificates, revised fire safety certificates, regularisation certificates, disability access certificates and revised disability access certificates,

(III) each of the certificates referred to in clause (II),

(IV) 7 day notices and 7 day notice statutory declarations,

(V) applications for certificates of approval and certificates of approval,””.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

33. In page 10, between lines 13 and 14, to insert the following:

“(g) in subsection (2), by inserting the following paragraph after paragraph (h):

“(ha) the exemption, in specified circumstances, from fees referred to in paragraph (h);””.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

34. In page 10, paragraph (g), line 15, to delete “and”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

35. In page 10, paragraph (h), to delete line 16 and substitute the following:

“(h) in subsection (2), by inserting the following paragraph after paragraph (k) —”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

36. In page 10, to delete lines 19 to 22 and substitute the following:

“section 6B) shall be valid and the time when it shall be provided to a person.”,

(i) in subsection (5), by inserting “, 7 day notice, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate” after “fire safety certificate” in both places where it occurs in that subsection, and

(j) in subsection (6), by inserting “, 7 day notice, revised fire safety certificate, regularisation certificate, disability access certificate, revised disability access certificate” after “fire safety certificate”.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

37. In page 10, between lines 22 and 23, to insert the following:

“(i) by the insertion of the following after subsection (6):

“(7) In the case of a regularisation certificate, no appeal to An Bord Pleanála shall be permitted.””.

—Fergus O'Dowd.

[ SECTION 5 ]

SECTION 5

- 38.** In page 10, to delete from “(1) Where” in line 25 down to and including “building.” in line 34 and substitute the following:

“(1) Where a person proposes to construct a building the person shall ensure, before work commences on its construction, that due consideration has been given to the technical, environmental and economic feasibility of using alternative energy systems in the proposed building, and use of such systems has been taken into account, as far as practicable, in the design of the proposed building.”

—Ciarán Cuffe.

- 39.** In page 10, between lines 34 and 35, to insert the following:

“(2) Where a person proposes to construct a building the person shall endeavour to ensure that at least 30% of the building’s space and water heating comes from alternative energy systems in the proposed buildings.”

—Ciarán Cuffe.

- 40.** In page 10, between lines 34 and 35, to insert the following:

“(2) Where a person proposes to extend or renovate a building over 1000m<sup>2</sup> the person shall ensure, before work commences, that due consideration has been given to the technical, environmental and economic feasibility of using alternative energy systems in the proposed building, and use of such systems has been taken into account, as far as practicable, in the proposed renovation of the building.”

—Ciarán Cuffe.

- 41.** In page 11, to delete line 7 and substitute the following:

“for the proposed building,

and a study under paragraph (a) (subject to any technical requirements the Minister may specify in an approval under that paragraph that the technology must comply with) may be constituted by the employment of information technology for that purpose and the provision of the results therefrom.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 42.** In page 11, line 10, after “person” to insert the following:

“(who may employ appropriate information technology for that purpose)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 43.** In page 11, to delete from “(1) A person” in line 15 down to and including “production.” in line 30 and substitute the following:

“(1) A person who constructs a building of a prescribed class construction of which commenced on or after such date as may be prescribed for the purposes of this subsection shall, before such building is occupied for the first time, ensure that the building meets certain minimum energy efficiency standards and secure a building energy rating certificate (hereafter in this section referred to as a ‘BER certificate’) in relation to the building and shall produce such certificate—

(a) where the construction of the building was commissioned by another person, to that person, and

(b) to the building control authority in whose functional area the building is situated, on demand being made by that authority for its production.”

—Ciarán Cuffe.



[ SECTION 5 ]

44. In page 11, to delete lines 31 to 47 and substitute the following:

“(2) A person who offers for sale or letting (whether in writing or otherwise)—

- (a) a building construction of which commenced on or after such date as may be prescribed for the purposes of this paragraph (in subsection (4) referred to as a ‘new building’), or
- (b) a building that is in existence on or before such date as may be prescribed for the purposes of this paragraph, and any agent acting on behalf of such person in connection with such offering, shall ensure that the building meets certain minimum energy efficiency standards and produce a BER certificate in relation to the building to any person expressing an interest in purchasing or taking a letting of the building and, on demand, to the building control authority in whose functional area the building is situated,

and any agent acting on behalf of such person in connection with such offering, shall produce a BER certificate in relation to the building to any person expressing an interest in purchasing or taking a letting of the building and, on demand, to the building control authority in whose functional area the building is situated.”.

—Ciarán Cuffe.

45. In page 11, line 36, to delete “in subsection (4)” and substitute “in subsection (5)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

46. In page 11, between lines 47 and 48, to insert the following:

“(3) A public body shall, in relation to a building occupied by it with a total useful floor area exceeding 1,000 square metres—

- (a) construction of which commenced on or after such a date as may be prescribed, or
- (b) that is in existence on or before such date as may be prescribed,

secure and display a BER certificate in relation to the building in a prominent place clearly visible to the public.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

47. In page 11, to delete line 48 and substitute the following:

“(4) Different dates may be prescribed for the”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

48. In page 12, to delete line 1 and substitute the following:

“(5) Where a new building of a prescribed class”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

49. In page 12, line 18, to delete “letting, or to” and substitute “letting, to”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 5 ]

**50.** In page 12, to delete lines 22 to 35 and substitute the following:

“(6) In this section—

‘building energy rating certificate’ or ‘BER certificate’ means a certificate respecting the rating of a building according to its energy performance that is—

- (a) in a prescribed form and contains prescribed information,
- (b) issued by a person who has successfully completed a prescribed training course, and
- (c) accompanied by a report, prepared by the foregoing person, containing recommendations on how the energy performance of the building may be improved in a cost-effective manner,

and the reference to a provisional such certificate is a reference to such a certificate respecting the rating of the relevant building according to its energy performance based on the plans for the building’s construction referred to in subsection (5)(a);

‘public body’ means—

- (a) a Department of State,
- (b) the Office of the President,
- (c) the Office of the Attorney General,
- (d) the Office of the Comptroller and Auditor General,
- (e) the Office of the Houses of the Oireachtas,
- (f) a local authority,
- (g) the Health Service Executive,
- (h) a person, body or organisation (other than the Defence Forces) established —
  - (i) by or under any enactment (other than the Companies Acts), or
  - (ii) under the Companies Acts, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or shares held by or on behalf of a Minister of the Government.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**51.** In page 12, to delete line 36 and substitute the following:

“(7) The fee (if any) charged by a person”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**52.** In page 12, line 37, to delete “subsection (5)(b)” and substitute “subsection (6)(b)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 6 ]

SECTION 6

53. In page 12, line 44, to delete “Section 7(1)” and substitute “Section 7”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

54. In page 12, between lines 44 and 45, to insert the following:

“(a) in subsection (1)—”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

55. In page 12, to delete line 45 and substitute the following:

“(i) in paragraph (c), by substituting “approval, or” for”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

56. In page 12, to delete line 47 and substitute the following:

“(ii) by inserting the following paragraphs after paragraph (c):”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

57. In page 13, line 2, to delete “certificate,.” and substitute “certificate,,” and”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

58. In page 13, between lines 2 and 3, to insert the following:

“(b) in subsection (3), by deleting paragraph (c).”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 7

59. In page 13, before section 7, to insert the following new section:

“Amendment of Act of 1990 — new sections 7A and 7B.

7.—The Act of 1990 is amended by inserting the following after section 7:

“Fees in respect of an appeal.

7A.—(1) Subject to the approval of the Minister, An Bord Pleanála (hereafter in this section referred to as ‘the Board’) may determine that fees shall be payable in relation to appeals under section 7 and, subject to subsection (2), such a fee so determined shall be paid to the Board by the person making the appeal under section 7 at such time as the Board specifies.

(2) The power of the Board in relation to fees referred to in subsection (1) includes a power of the Board—

(a) to determine that different such fees shall be payable in respect of different classes of appeal under section 7,

(b) to exempt a person from the requirement to pay any such fee in such circumstances as it determines, and

(c) to remit or refund in whole or in part any such fee that has been paid in such circumstances as it determines,

and the exercise of the power under paragraph (b) or (c) (as distinct from the determination of the circumstances in which the power shall be exercisable) shall not require the approval of the Minister.

[ SECTION 7 ]

(3) The Board shall review the fees determined under subsection (1) from time to time, but at least every three years, having regard to any change in the consumer price index since the determination of the fees for the time being in force, and may amend the fees to reflect the results of that review, without the necessity of the Minister's approval under subsection (1).

(4) For the purposes of this section, 'change in the consumer price index' means the difference between the All Items Consumer Price Index Number last published by the Central Statistics Office before the date of the determination under this section and the said number last published before the date of the review under subsection (3), expressed as a percentage of the last-mentioned number.

(5) Where the Board determines or amends fees in accordance with this section, it shall give notice of the fees in at least one newspaper circulating in the State, not less than 8 weeks before the fees come into effect.

Provision with respect to amendment of this Act by S.I. No.872 of 2005.

7B.—The Minister shall be deemed always to have had the power to make the regulations under section 3 of the European Communities Act 1972 entitled the 'European Communities (Energy Performance of Buildings) Regulations 2005' (S.I. No. 872 of 2005) and, accordingly—

- (a) the amendment of section 3(2) purported to have been made by those Regulations shall be deemed to have been validly made and to have been in operation as and from the date those Regulations were purported to have been made, and
- (b) the Building Regulation (Amendment) Regulations 2005 (S.I. No. 873 of 2005) made in the purported exercise of the powers conferred by sections 3 and 18 shall be deemed to have been validly made and to have been in operation as and from the time that those Regulations provided that those Regulations were to come into operation.”.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

60. In page 13, line 20, after “to” to insert “the Circuit Court or”.

—Ruairi Quinn.

SECTION 10

61. In page 14, subsection (1), line 18, after “Part” to insert the following:

“provided that the Institute shall establish procedures to ensure a separation between the performance of its regulatory functions under this Act and of its existing representative functions, and shall ensure that the regulatory functions are performed independently by the Admissions Board and are not subject to the influence, direction or control of any other authority within the Institute”.

—Ruairi Quinn.

[ SECTION 10 ]

62. In page 14, subsection (5), lines 32 and 33, to delete all words from and including “, appointed” in line 32 down to and including “Minister” in line 33 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 11

63. In page 15, subsection (2)(a)(I), lines 3 and 4, to delete all words from and including “has” in line 3 down to and including “examination” in line 4 and substitute the following:

“has passed a professional practice examination specified by the body referred to in *subparagraph (i), (ii) or (iii)*, as the case may be”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

64. In page 15, subsection (2), line 12, to delete paragraph (b) and substitute the following:

“(b) a person who is a fellow or member of the registration body on the date of the passing of this Act;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

65. In page 15, subsection (2)(e), lines 23 and 24, to delete all words from and including “who” in line 23 down to and including “section” in line 24 and substitute the following:

“(who is eligible for registration under this section)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

66. In page 15, subsection (2)(e), lines 27 to 33, to delete all words from and including “equivalent” in line 27 down to and including “examination;” in line 33 and substitute the following:

“equivalent to any degree, diploma or qualification referred to in *paragraph (a)* and who has passed a professional practice examination specified by a body referred to in *subparagraph (i), (ii) or (iii)* of that paragraph;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

67. In page 15, subsection (2), between lines 39 and 40, to insert the following:

“(g) a person (not being a person who is eligible for registration pursuant to *section 12 or 13*) who—

(i) has been awarded in a state, other than a Member State or a state which is a member of the World Trade Organisation, a degree, diploma or other qualification in architecture, and

(ii) can demonstrate that he or she has sufficient post-graduate experience of performing duties commensurate with those of an architect;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

68. In page 15, subsection (2)(g), to delete line 43 and substitute the following:

“provided under *section 19*;

[ SECTION 11 ]

(h) an Irish citizen who as attested by a certificate of the registration body is authorised by the registration body to use the title of “architect” by virtue of the distinguished quality of his or her work in the field of architecture (which authorisation the registration body is empowered, by virtue of this paragraph, to grant).”

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

69. In page 15, between lines 43 and 44, to insert the following subsection:

“(3) The registration body may accept as sufficient compliance by a person with subsection (2)(a)(II) a statutory declaration by the person that he or she possesses the experience referred to in that provision.”

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

70. In page 16, subsection (5), line 12, to delete “of Ireland.” and substitute the following:

“of Ireland or the Higher Education and Training Awards Council as appropriate.”

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

71. In page 16, subsection (6), lines 14 and 15, to delete all words from and including “who” in line 14 down to and including “Environment” in line 15 and substitute the following:

“whom the Minister had proposed to certify”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

SECTION 12

72. In page 16, subsection (1), between lines 44 and 45, to insert the following:

“(c) a national of a Member State who has been awarded in a Member State a qualification that the State, pursuant to a relevant measure, is obliged to recognise as corresponding to a qualification referred to in section 11(2);”

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

73. In page 17, subsection (1), between lines 7 and 8, to insert the following:

“(e) a national or resident of a state who, by virtue of the following agreement, is entitled to have his or her qualifications in the field of architecture recognised in the State, namely, an agreement that—

(i) is entered into between the European Union and the World Trade Organisation, and

(ii) provides for the recognition by the states to which the agreement relates of qualifications of a class specified in the agreement;”

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

74. In page 17, subsection (1)(e), lines 9 and 10, to delete “*paragraph (a), (b), (c) or (d)*” and substitute “any of the preceding paragraphs”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

75. In page 17, subsection (2), line 32, before “may” to insert the following:

“(other than *paragraph (e)*\* thereof)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 73 is accepted.]

[ SECTION 12 ]

76. In page 17, subsection (3), line 37, after “*subsection (1)*” to insert the following:

“(other than *paragraph (e)*\* thereof”).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 73 is accepted.]

77. In page 17, subsection (4), line 40, before “or” to insert the following:

“(other than *paragraph (e)*\* thereof”).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 73 is accepted.]

78. In page 17, subsection (5), line 47, before “as” to insert the following:

“(other than *paragraph (e)*\* thereof”).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 73 is accepted.]

79. In page 17, subsection (5), lines 49 to 52, to delete all words from and including “of” in line 49 down to and including “*subsection (3)*” in line 52 and substitute the following:

“of the completed documentation by the applicant to the Board”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 13

80. In page 18, subsection (4), line 20, after “Board” to insert “, at least 2 of whom shall not be architects,”.

—Ruairi Quinn.

81. In page 19, subsection (10)(b), line 7, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

82. In page 19, subsection (11), lines 14 to 17, to delete all words from and including “of the” in line 14 down to and including “*subsection (7)*” in line 17 and substitute the following:

“of the completed documentation by the applicant to the Board”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

83. In page 19, subsection (12), line 21, after “sent” to insert “, by prepaid registered post,”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

84. In page 19, between lines 24 and 25, to insert the following subsection:

“(13) The Minister may by regulations make provision for the admission of persons who hold equivalent qualifications from states other than member states of the European Union and may by regulations apply this section with necessary modifications to such persons.”.

—Ruairi Quinn.

[ SECTION 14 ]

SECTION 14

**85.** In page 19, subsection (2), line 30, after “prepaid” to insert “registered”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**86.** In page 19, subsection (2), line 35, after “by” to insert “prepaid”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**87.** In page 19, between lines 46 and 47, to insert the following subsection:

“(5) In this section, “specified”, means fees which have been specified by the registration body with the agreement of the Minister.”.

—Ruairi Quinn.

SECTION 15

**88.** In page 19, subsection (1), line 47, to delete “A person” and substitute

“Subject to *subsections (3) and (4)\**, a person”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 92 is accepted.]

**89.** In page 20, between lines 12 and 13, to insert the following subsection:

“(2) This section does not apply to the word “architect” when used in the context of the expression “landscape architect”.”.

—Ruairi Quinn.

**90.** In page 20, between lines 12 and 13, to insert the following subsection:

“(2) This section does not apply to the word “architectural” when used in the context of the expression “architectural technician or technologist”.”.

—Ruairi Quinn.

**91.** In page 20, between lines 12 and 13, to insert the following subsection:

“(2) This section does not prevent a body corporate or partnership from carrying on business under a name, style or title containing the word “architect” provided that at least one of the directors or partners, as the case may be, is registered under this Part.”.

—Ruairi Quinn.

**92.** In page 20, between lines 25 and 26, to insert the following subsection:

“(4) The use by a person of the words—

(a) “landscape architect”,

(b) “naval architect”,

(c) “architectural technician”,

(d) “architectural technologist”,

(e) “interior design architect”, or



[ SECTION 15 ]

(f) such other words as may be prescribed,

to describe himself or herself does not, in and of itself, constitute a contravention of *subsection (1)*.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 16

**93.** In page 21, subsection (6), line 5, after “cause” to insert “a copy of”.

—Ruairi Quinn.

SECTION 18

**94.** In page 21, subsection (2)(a), line 47, after “body” to insert the following:

“, at least two of whom shall be architects in practice”.

—Ruairi Quinn, Fergus O'Dowd.

**95.** In page 22, subsection (3), lines 3 and 4, to delete all words from and including “, appointed” in line 3 down to and including “Minister” in line 4 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**96.** In page 22, between lines 4 and 5, to insert the following subsections:

“(4) The Technical Assessment Board shall establish a panel of architects being architects who the Board considers possess the requisite expertise for the purpose of performing the functions assigned to members of the panel under *subsection (5)*).

(5) The Technical Assessment Board shall, in respect of each application under *section 19*, appoint not less than 3 of the members of the panel established under *subsection (4)* to—

(a) examine the documents furnished to the Board under *subsection (2)* of that section (and any additional information furnished to it under *subsection (3)* of that section),

(b) interview the applicant, and

(c) give to the Board their opinion as to whether the applicant is eligible for registration pursuant to that section.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 19

**97.** In page 22, subsection (1), line 10, to delete “the passing of this Act” and substitute “the commencement of this section”.

—Ruairi Quinn.

**98.** In page 22, subsection (3), to delete line 32 and substitute the following:

“considers it necessary; such an interview shall be in addition to the interview conducted by the members of the panel referred to in *section 18(5)* (which latter interview is subsequently referred to in this section as the “panel interview”).”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 19 ]

**99.** In page 22, subsection (4), line 33, after “interview” to insert “under this section”.

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

**100.** In page 22, subsection (4), line 34, after “interview” to insert “, at least two of whom shall not be architects”.

—Fergus O'Dowd.

**101.** In page 22, subsection (5), to delete lines 35 and 36 and substitute the following:

“(5) The panel interview and any interview under this section shall each be recorded in writing or in such other form as the members of the panel concerned or the Technical Assessment Board, as appropriate, may decide, and additional”.

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

**102.** In page 22, subsection (6), line 39, to delete “interview” and substitute the following:

“panel interview and any interview under this section”.

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

**103.** In page 22, subsection (7), line 43, after “The” to insert the following:

“method of assessment used by the Technical Assessment Board shall be in line with and consistent with that applied to the category of persons referred to in *section 11(2)(d)* and the”.

—Fergus O'Dowd, Ruairi Quinn.

**104.** In page 23, subsection (7), lines 4 to 6, to delete paragraph (c) and substitute the following:

“(c) whether or not the applicant can demonstrate that he or she has acquired the competencies specified in Article 46 of the Directive, and in so assessing, due regard shall be taken of skills acquired by experience and practical means, as demonstrated by the work performed by the applicant in the field of architecture.”.

—Ruairi Quinn.

**105.** In page 23, subsection (7), lines 4 to 6, to delete paragraph (c) and substitute the following:

“(c) whether or not the applicant can demonstrate that he or she has acquired the competencies specified in Article 46 of the Directive, and in so assessing under this grandfather clause, due regard shall be taken of the skills acquired by experience and practical means, as demonstrated by the work performed by the applicant in the field of architecture and, where applicable, skills acquired through formal training;”.

—Fergus O'Dowd.

[ SECTION 19 ]

**106.** In page 23, subsection (7), to delete line 10 and substitute the following:

“for the work could be established,

and, in addition, shall have regard to the opinion of the architects referred to in *section 18(5)* as to whether the applicant is eligible for registration pursuant to this section (but that opinion shall not be binding on the Board).”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**107.** In page 23, subsection (8)(b), line 20, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**108.** In page 23, between lines 23 and 24, to insert the following subsection:

“(9) The Technical Assessment Board shall endeavour to ensure that all applications received by the Technical Assessment Board shall be adjudicated upon in the manner specified in *column (II)* and within the timeframe specified in *column (III)* of the *Schedule\**.”

—Ruairi Quinn.

[\*This is the appropriate reference if amendment No. 208 is accepted.]

**109.** In page 23, between lines 23 and 24, to insert the following subsection:

“(9) All applications received by the Technical Assessment Board shall be adjudicated upon in the manner specified in *column (II)* and within the timeframe specified in *column (III)* of the *Schedule\**.”

—Fergus O'Dowd.

[\*This is the appropriate reference if amendment No. 208 is accepted.]

SECTION 20

**110.** In page 23, subsection (3), lines 38 and 39, to delete all words from and including “, appointed” in line 38 down to and including “Minister,” in line 39 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 21

**111.** In page 24, subsection (3), lines 11 and 12, to delete “a solicitor, a barrister” and substitute “a practising solicitor, a practising barrister”.

—Ruairi Quinn.

**112.** In page 24, subsection (3), lines 13 and 14, to delete all words from and including “, appointed” in line 13 down to and including “Minister” in line 14 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 22

**113.** In page 24, subsection (2), line 20, to delete “2 months” and substitute “3 months”.

—Fergus O'Dowd.

[ SECTION 22 ]

**114.** In page 24, subsection (2), line 21, after “against” to insert the following:

“or such longer period as may be allowed by the Appeals Board”.

—Ruairi Quinn.

SECTION 23

**115.** In page 25, subsection (1), line 41, to delete “2 months” and substitute “3 months”.

—Fergus O'Dowd.

**116.** In page 25, subsection (1), line 41, after “decision” to insert the following:

“or such longer period as may be allowed by the High Court”.

—Ruairi Quinn.

SECTION 24

**117.** In page 26, subsection (1), between lines 21 and 22, to insert the following:

“or

(c) referred to in *subsection (9) of section 19* and the *Schedule\**.”

—Ruairi Quinn.

[\*This is the appropriate reference if amendment No. 208 is accepted.]

**118.** In page 26, subsection (1), between lines 21 and 22, to insert the following:

“or

(c) referred to in *subsection (9) of section 19* and the *Schedule\** referred to therein.”

—Fergus O'Dowd.

[\*This is the appropriate reference if amendment No. 208 is accepted.]

**119.** In page 26, subsection (2), line 26, to delete “may” and substitute “shall”.

—Fergus O'Dowd.

SECTION 25

**120.** In page 27, subsection (4)(a), line 5, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c), (e) and (f) of section 26(2)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**121.** In page 27, subsection (5), lines 10 and 11, to delete all words from and including “, appointed” in line 10 down to and including “Minister” in line 11 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 26

**122.** In page 27, subsection (2)(c), line 30, to delete “or associate” and substitute “or member”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 26 ]

**123.** In page 28, subsection (2)(g), line 8, before “Architecture” to insert “the”.  
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**124.** In page 28, subsection (2)(g), line 10, to delete “Engineering Surveyors” and substitute the following:

“Engineering Surveyors and who, in each case, has at least 3 years practical experience of performing duties commensurate with those of a quantity surveyor”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**125.** In page 28, subsection (2), lines 11 to 16, to delete paragraph (h).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**126.** In page 28, subsection (2), between lines 19 and 20, to insert the following:

“(j) a national or resident of a state who, by virtue of the following agreement, is entitled to have his or her qualifications in the field of quantity surveying recognised in the State, namely, an agreement that—

(i) is entered into between the European Union and the World Trade Organisation, and

(ii) provides for the recognition by the states to which the agreement relates of qualifications of a class specified in the agreement;

(k) a national of a Member State who has been awarded in a Member State a qualification that the State, pursuant to a relevant measure, is obliged to recognise as corresponding to a qualification referred to in *paragraph (a)*;

(l) a person (not being a person who is eligible for registration pursuant to *section 27*) who—

(i) has been awarded in a state, other than a Member State or a state which is a member of the World Trade Organisation, a degree, diploma or other qualification in quantity surveying, and

(ii) can demonstrate that he or she has sufficient post-graduate experience of performing duties commensurate with those of a quantity surveyor;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**127.** In page 28, subsection (3), lines 25 to 27, to delete all words from and including “but” in line 25 down to and including “body” in line 27.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**128.** In page 28, subsection (5), line 39, to delete “of Ireland.” and substitute the following:

“of Ireland or the Higher Education and Training Awards Council as appropriate.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 27

**129.** In page 29, subsection (10)(b), line 44, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 27 ]

- 130.** In page 30, subsection (12), lines 7 to 10, to delete all words from and including “of the” in line 7 down to and including “*subsection (7)*” in line 10 and substitute the following:

“of the completed documentation by the applicant to the Board”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 131.** In page 30, subsection (13), line 14, after “sent” to insert “, by prepaid registered post,”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 132.** In page 30, between lines 17 and 18, to insert the following subsection:

“(14) The Minister may by regulations make provision for the admission of persons who hold equivalent qualifications from states other than member states of the European Union and may by regulations apply this section with necessary modifications to such persons.”.

—Ruairi Quinn.

SECTION 28

- 133.** In page 30, subsection (2), line 23, after “prepaid” to insert “registered”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 134.** In page 30, subsection (2), line 28, after “by” to insert “prepaid”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 30

- 135.** In page 31, subsection (6), line 48, after “cause” to insert “a copy of”.

—Ruairi Quinn.

SECTION 32

- 136.** In page 32, subsection (1), lines 36 and 37, to delete “*paragraphs (a) to (i)*” and substitute “*paragraphs (a) to (l)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\**This is the appropriate reference if amendment No. 126 is accepted.*]

- 137.** In page 32, subsection (2)(a), line 42, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c), (e) and (f) of section 26(2)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 138.** In page 32, subsection (3), lines 47 and 48, to delete all words from and including “, appointed” in line 47 down to and including “Minister” in line 48 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ SECTION 33 ]

SECTION 33

**139.** In page 33, subsection (1)(a)(ii), line 14, to delete “passing of this Act” and substitute “commencement of this section”.

—Ruairi Quinn.

**140.** In page 34, subsection (7)(b), line 4, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 34

**141.** In page 34, subsection (2)(a), line 13, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c), (e) and (f) of section 26(2)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**142.** In page 34, subsection (3), lines 22 and 23, to delete all words from and including “, appointed” in line 22 down to and including “Minister,” in line 23 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 35

**143.** In page 34, subsection (2)(a), line 30, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c), (e) and (f) of section 26(2)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**144.** In page 34, subsection (3), lines 41 and 42, to delete “a solicitor, a barrister” and substitute “a practising solicitor, a practising barrister”.

—Ruairi Quinn.

**145.** In page 34, subsection (3), lines 43 and 44, to delete all words from and including “, appointed” in line 43 down to and including “Minister” in line 44 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 36

**146.** In page 35, subsection (2), line 7, after “against” to insert the following:

“or such longer period as may be allowed by the Appeals Board”.

—Ruairi Quinn.

SECTION 37

**147.** In page 36, subsection (1), line 27, after “decision” to insert the following:

“or such longer period as may be allowed by the High Court.”.

—Ruairi Quinn.

[ SECTION 38 ]

SECTION 38

**148.** In page 36, subsection (1), line 43, to delete “*section 27(12)*” and substitute “*subsection (12) of section 27*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 39

**149.** In page 37, subsection (4)(a), line 30, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c) and (e) of section 40(2)*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**150.** In page 37, subsection (5), lines 35 and 36, to delete all words from and including “, appointed” in line 35 down to and including “Minister” in line 36 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 40

**151.** In page 38, subsection (2)(d), line 16, to delete “Quantity” and substitute “Building”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**152.** In page 38, subsection (2)(f), line 28, after “Building,” to insert “the”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**153.** In page 38, subsection (2), lines 30 to 35, to delete paragraph (g).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**154.** In page 38, subsection (2), between lines 38 and 39, to insert the following:

“(i) a national of a Member State who has been awarded in a Member State a qualification that the State, pursuant to a relevant measure, is obliged to recognise as corresponding to a qualification referred to in *paragraph (a)*;

(j) a national or resident of a state who, by virtue of the following agreement, is entitled to have his or her qualifications in the field of building surveying recognised in the State, namely, an agreement that—

(i) is entered into between the European Union and the World Trade Organisation, and

(ii) provides for the recognition by the states to which the agreement relates of qualifications of a class specified in the agreement;

(k) a person (not being a person who is eligible for registration pursuant to *section 41*) who—

(i) has been awarded in a state, other than a Member State or a state which is a member of the World Trade Organisation, a degree, diploma or other qualification in building surveying, and



[ SECTION 40 ]

- (ii) can demonstrate that he or she has sufficient post-graduate experience of performing duties commensurate with those of a building surveyor;”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 155.** In page 38, subsection (3), lines 44 to 46, to delete all words from and including “but” in line 44 down to and including “body” in line 46.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 156.** In page 39, subsection (5), line 8, to delete “of Ireland.” and substitute the following:

“of Ireland or the Higher Education and Training Awards Council as appropriate.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 41

- 157.** In page 40, subsection (10)(b), line 14, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 158.** In page 40, subsection (12), lines 26 to 29, to delete all words from and including “of the” in line 26 down to and including “*subsection (7)*” in line 29 and substitute the following:

“of the completed documentation by the applicant to the Board”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 159.** In page 40, subsection (13), line 33, after “sent” to insert “, by prepaid registered post,”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 160.** In page 40, between lines 36 and 37, to insert the following subsection:

“(14) The Minister may by regulations make provision for the admission of persons who hold equivalent qualifications from states other than member states of the European Union and may by regulations apply this section with necessary modifications to such persons.”.

—Ruairi Quinn.

SECTION 42

- 161.** In page 40, subsection (2), line 42, after “prepaid” to insert “registered”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 162.** In page 40, subsection (2), line 47, after “by” to insert “prepaid”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 44

- 163.** In page 42, subsection (6), line 20, after “cause” to insert “a copy of”.

—Ruairi Quinn.

SECTION 46

- 164.** In page 43, subsection (1), lines 9 and 10, to delete “*paragraphs (a) to (h)*” and substitute “*paragraphs (a) to (i)*\*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[\*This is the appropriate reference if amendment No. 154 is accepted.]

[ SECTION 46 ]

- 165.** In page 43, subsection (2)(a), line 15, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c) and (e) of section 40(2)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 166.** In page 43, subsection (3), lines 20 and 21, to delete all words from and including “, appointed” in line 20 down to and including “Minister” in line 21 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

SECTION 47

- 167.** In page 43, subsection (1)(a)(i), lines 26 and 27, to delete “the Society of Chartered Surveyors,”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 168.** In page 43, subsection (1)(a)(ii), line 35, to delete “passing of this Act” and substitute “commencement of this section”.

—Ruairi Quinn.

- 169.** In page 44, subsection (7)(b), line 27, to delete “prepaid post” and substitute “prepaid registered post”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

SECTION 48

- 170.** In page 44, subsection (2)(a), line 36, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c) and (e) of section 40(2)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 171.** In page 44, subsection (3), lines 45 and 46, to delete all words from and including “, appointed” in line 45 down to and including “Minister,” in line 46 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

SECTION 49

- 172.** In page 45, subsection (2)(a), line 6, to delete “the registration body” and substitute the following:

“the registration body following consultation with the bodies referred to in *paragraphs (b), (c) and (e) of section 40(2)*”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

- 173.** In page 45, subsection (3), lines 17 and 18, to delete “a solicitor, a barrister” and substitute “a practising solicitor, a practising barrister”.

—Ruairi Quinn.

[ SECTION 49 ]

**174.** In page 45, subsection (3), lines 19 and 20, to delete all words from and including “, appointed” in line 19 down to and including “Minister” in line 20 and substitute the following:

“who shall be appointed as chairperson by the Minister”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 50

**175.** In page 45, subsection (2), line 27, after “against” to insert the following:

“or such longer period as may be allowed by the Appeals Board”.

—Ruairi Quinn.

SECTION 51

**176.** In page 47, subsection (1), line 2, after “decision” to insert the following:

“or such longer period as may be allowed by the High Court”.

—Ruairi Quinn.

SECTION 52

**177.** In page 47, subsection (1), line 18, to delete “*section 41(12)*” and substitute “*subsection (12) of section 41*”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 53

**178.** In page 47, subsection (1), line 38, to delete “registration body” and substitute “Professional Conduct Committee”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**179.** In page 48, subsection (2), line 1, to delete “registration body” and substitute “Professional Conduct Committee”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**180.** In page 48, between lines 2 and 3, to insert the following subsections:

“(3) A draft of the proposed code or any amendment of it shall be—

- (a) published by the Professional Conduct Committee, in such manner as it may determine, together with an invitation to the public and any organisation or other body which appears to the Committee to have an interest in the matter to comment on the draft before a date specified by the Committee in the invitation,
- (b) submitted by the Committee to the Competition Authority with a request for the furnishing in writing (before a date specified by the Committee in the submission) by the Authority of its opinion as to whether any provision of the draft would be likely to result in competition being prevented, restricted or distorted.

[ SECTION 53 ]

(4) The Professional Conduct Committee shall take into account any comment received by it in accordance with an invitation under *subsection (3)(a)* and any opinion in writing of the Competition Authority received by it in accordance with a request under *subsection (3)(b)* in relation to the draft code or any amendment of it before it prepares the code or the amendment.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 54

**181.** In page 48, subsection (1), line 8, to delete “to professional misconduct” and substitute the following:

“to professional misconduct or poor professional performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**182.** In page 48, lines 9 to 13, to delete subsection (2).

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**183.** In page 49, subsection (11), line 20, to delete “professional misconduct was established” and substitute the following:

“professional misconduct or poor professional performance was established”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**184.** In page 49, subsection (12), line 24, to delete “professional misconduct” and substitute the following:

“professional misconduct or poor professional performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**185.** In page 49, subsection (13), line 26, to delete “professional misconduct” and substitute the following:

“professional misconduct or poor professional performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 55

**186.** In page 49, subsection (1), line 30, to delete “no professional misconduct” and substitute the following:

“no professional misconduct or poor professional performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**187.** In page 49, subsection (2), line 34, to delete “professional misconduct” and substitute the following:

“professional misconduct or poor professional performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**188.** In page 49, subsection (2)(a), line 37, to delete “the conduct” and substitute “the conduct or performance”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**189.** In page 50, subsection (6), line 29, to delete “ex parte”.

—Ruairi Quinn.

[ SECTION 55 ]

190. In page 50, subsection (6), line 29, to delete “ex parte” and substitute “*ex parte*”.

—Fergus O’Dowd.

SECTION 57

191. In page 51, before section 57, but in Part 6, to insert the following new section:

“Interpretation —  
Part 6.

57.—In this Part—

“poor professional performance” in relation to a registered professional, means any failure of the registered professional to meet the standards of competence that may reasonably be expected of registered professionals practising the profession concerned;

“professional misconduct” in relation to a registered professional, means any act, omission or pattern of conduct of the registered professional that—

- (a) is in breach of the code prepared by the relevant professional conduct committee, or
- (b) if the registered professional has been granted by a body established in a state, other than the State, a licence, certificate or registration relating to the practice of the profession concerned, is a breach of the standard of conduct or performance that applies to a person holding that licence, certificate or registration and that corresponds to a standard in the code referred to in *paragraph (a)*.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

192. In page 51, before section 57, but in Part 7, to insert the following new section:

“Temporary  
registration under  
Title II of Directive.

57.—(1) If a person wishes to provide, in reliance on Article 5(2) of the Directive, architectural, quantity surveying or building surveying services in the State on a temporary and occasional basis, the person shall apply to the Admissions Board for a decision that he or she is entitled to registration in the register under *Part 3, 4 or 5*, as the case may be, for a temporary period for that purpose.

(2) A person who applies under *subsection (1)* shall, if the occasion of the application is the first occasion on which he or she intends, on foot of such an application, to provide architectural, quantity surveying or building surveying services, as the case may be, in the State, submit the following to the Admissions Board:

- (a) a declaration of his or her intention to provide the services in accordance with Article 7 of the Directive, which declaration shall include details of insurance or other means of personal or collective protection with regard to professional liability;
- (b) proof of his or her nationality;

[ SECTION 57 ]

- (c) an attestation of the competent authority of the Member State where he or she is established that he or she is legally established in that state for the purposes of providing the activities concerned and is not prohibited from practising architecture, quantity surveying or building surveying, as the case may be, temporarily or otherwise, at the time of delivery of the attestation;
- (d) evidence of the relevant professional qualifications; and
- (e) if required by the Directive as respects an applicant who has moved from the Member State of establishment, evidence that he or she has performed functions commensurate with those of an architect, quantity surveyor or building surveyor as appropriate, in that Member State, for at least 2 of the 10 years preceding the application.

(3) If the occasion of the application under *subsection (1)* is not the first occasion on which the applicant has intended, on foot of such an application, to provide the relevant services in the State, the Admissions Board may, if there has been a material change in the situation substantiated by any of the documentation referred to in *paragraphs (b) to (d)* of *subsection (1)*, require the applicant to submit to it fresh documentation of the kind referred to in the paragraph or paragraphs concerned.

(4) If a period of more than 12 months has elapsed since the registration, pursuant to this section, of a person in the register under *Part 3, 4 or 5* (and the period for which the person is so registered has not expired), the Admissions Board may, unless the person does not intend to provide the relevant services in the State in the ensuing period of 12 months, require the person to make a fresh declaration of his or her intention to provide the relevant services in accordance with Article 7 of the Directive; if the person does not make such a declaration, the Admissions Board may remove the person's name from the relevant register.

(5) Where the Admissions Board decides—

- (a) that the applicant is entitled to be registered, pursuant to this section, in the register under *Part 3, 4 or 5* for a temporary period for the purposes of providing architectural, quantity surveying or building surveying services, as the case may be, in the State, it shall take the necessary steps to register the applicant in the relevant register, without payment of a fee by the applicant in respect of the registration, for a period not exceeding the period requested by the applicant, or
- (b) that the applicant is not entitled to such registration in that register, the chairperson shall immediately send a notice in writing to the applicant, by prepaid registered post, to the address of the applicant as furnished in his or her application, advising the applicant of the decision, the date on which it was made and the reasons for it.

(6) Where the applicant is registered in the register under *Part 3* for a temporary period pursuant to this section, he or she shall use the title of architect while providing architectural services in the State until his or her registration ceases.

(7) Where the applicant is registered in the register under *Part 4 or 5* for a temporary period pursuant to this section and is providing quantity surveying or building surveying services in the State, he or she shall—

[ SECTION 57 ]

- (a) if a professional title exists for the activity or quantity surveyor or building surveyor, as the case may be, in the Member State where he or she is legally established, use that title, which shall be indicated in the official language or one of the official languages of that Member State, or
- (b) if no such professional title exists in the Member State where he or she is legally established, indicate his or her formal qualification in the official language or one of the official languages of that Member State,

in a way that avoids confusion with the title of quantity surveyor or building surveyor.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 193.** In page 51, subsection (1), line 18, to delete “A registration body” and substitute “Subject to subsection (2), a registration body”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 194.** In page 51, between lines 20 and 21, to insert the following subsection:

“(2) A registration body shall not make an arrangement referred to in *subsection (1)* as respects the discharge of the functions under *section 17, 31, 45 or 63 or Part 6*.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 58

- 195.** In page 51, subsection (1), line 28, after “may” to insert “, subject to the agreement of the Minister”.

—Ruairi Quinn.

- 196.** In page 51, subsection (1)(b), lines 33 and 34, to delete all words from and including “(and” in line 33 down to and including “Affairs)” in line 34.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 197.** In page 52, between lines 4 and 5, to insert the following subsections:

“(3) A fee shall not be specified in accordance with *subsection (1)* without the approval of the Director of Consumer Affairs.

(4) The amount of a fee specified in accordance with *subsection (1)* shall not in any case exceed the total of—

- (a) the costs in providing the services in respect of which the fee is paid, and
- (b) the reasonable costs incurred by the registration body in collecting, accounting for and administering the fee.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 198.** In page 52, between lines 4 and 5, to insert the following subsections:

“(3) Notwithstanding *subsection (1)*, a fee in respect of the technical assessment of persons may only be specified with the agreement of the Minister.

(4) Prior to specifying a fee under this section, a registration body shall consult with interested parties.”.

—Fergus O'Dowd.

[ SECTION 63 ]

SECTION 63

199. In page 53, subsection (3), line 14, to delete “or dates”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

200. In page 53, subsection (3), line 16, to delete “or dates”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

SECTION 65

201. In page 53, before section 65, to insert the following new section:

“Nomination to boards or committees and elections.

65.—(1) Subject to *subsection (2)*, any persons nominated by a registration body for appointment by the registration body to a committee or board established under *Part 3, 4 or 5* shall be chosen for the purposes of such nomination by means of an election in accordance with bye-laws made by the body under this section.

(2) *Subsection (1)* does not apply to—

(a) nominations for the purposes of the first appointments made by a registration body of persons to a committee or board referred to in that subsection, or

(b) the nomination of a person by a registration body for the purposes of the person’s appointment by the body to fill a casual vacancy that arises amongst the persons the subject of those first appointments.

(3) For the purposes mentioned in *subsection (1)*, a registration body shall, with the consent of the Minister, make bye-laws providing for the election, by persons of the following class, of persons from among that class, namely, persons who are registered or eligible to be registered under *Part 3, 4 or 5*, as the case may be (and who are not excluded from that class by virtue of bye-laws under *subsection (4)*).

(4) Bye-laws made by the registration body may exclude from the foregoing class any person who is not resident in the State at a specified date or who does not comply with any specified condition or requirement which the registration body considers appropriate to specify in the bye-laws for the purposes of ensuring that the bye-laws operate in a practical manner.

(5) Bye-laws under this section shall provide that the election referred to in *subsection (3)* shall be held by means of a ballot and in a manner specified in the bye-laws.

(6) Bye-laws under this section may provide for such supplemental, incidental and consequential matters as the registration body that makes them considers necessary or expedient, including the deeming of candidates to be elected without an election having to be held, where the number of persons validly selected as candidates in the proposed election is less than or equal to the number of vacancies in the board or committee to which the proposed election relates.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

202. In page 53, lines 48 and 49 and in page 54, lines 1 to 3, to delete subsection (4) and substitute the following:



[ SECTION 65 ]

“(4) (a) Any requirement (whether as to consultation, obtaining of another’s approval or otherwise) that applies with respect to the nomination of a person for appointment to a board or committee established under this Act shall apply to the nomination of a person for appointment to fill a casual vacancy amongst the membership of the board or committee.

(b) Where the term of office of a member of a board or committee established under this Act terminates otherwise than by reason of effluxion of time, the period of office of the person appointed to fill the vacancy occasioned by that other’s ceasing to hold office shall be specified to be the unexpired period of that other’s term of office.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**203.** In page 53, subsection (4), line 49 and in page 54, line 1, to delete all words from and including “consult” in line 49 down to and including “appropriate” in line 1 and substitute the following:

“comply with the same requirements regarding consultation and prior approval as are applicable to initial appointments to such posts”.

—Ruairi Quinn, Fergus O’Dowd.

SECTION 66

**204.** In page 54, line 23, to delete subsection (5) and substitute the following:

“(5) The quorum for such a meeting shall be 4 members of which, subject to *subsection (6)*, the majority shall be members who were nominated for appointment as members of the board or committee, as the case may be, by the Minister.

(6) There may be reckoned for the purposes of that majority the chairperson of the board or committee, as the case may be, if he or she is present at the meeting.”

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

**205.** In page 54, subsection (5), line 23, after “members” to insert “, at least two of whom shall be non-architects”.

—Fergus O’Dowd.

SECTION 67

**206.** In page 54, line 31, to delete “order” and substitute “regulation”.

—Ruairi Quinn.

**207.** In page 54, line 32, to delete “Act” and substitute “act”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

[ *NEW SCHEDULE* ]

NEW SCHEDULE

**208.** In page 55, after line 5, to insert the following new Schedule:

“SCHEDULE

Column I	Column II	Column III
STAGE 1 VALIDATION	Application submissions to be checked for content requirements, applicant to be advised of validation or omissions to be re-submitted	Six weeks
STAGE 2 ASSESSMENT	Applications to be assessed leading to one of the following course of actions;  A) Notify Assessment Board and applicant of successful application for inclusion on register  B) Request additional information as deemed necessary to assess application and advise applicant of nature and extent of information requested  C) Call applicant to interview if deemed necessary to assess application	Twenty weeks
STAGE 3 ADDITIONAL INFORMATION	On receipt of additional information requested, re-assess application leading to one of the following course of actions;  A) Notify Assessment Board and applicant of successful application for inclusion on register  B) Call applicant to interview if deemed necessary to assess application	Twelve weeks from receipt of additional information
STAGE 4 INTERVIEW	Interview applicant, if deemed necessary, to assess application leading to one of the following course of actions;	Twelve weeks

[ *NEW SCHEDULE* ]

Column I	Column II	Column III
	A) Notify Assessment Board and applicant of successful application for inclusion on register  B) Notify applicant of unsuccessful application and advise appeal procedure	

”  
—Ruairi Quinn, Fergus O'Dowd.