

# Code of Practice

for

## Inspecting and Certifying Buildings and Works

**Building Control  
Regulations 2014**

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**Comhshaol, Pobal agus Rialtas Áitiúil**  
Environment, Community and Local Government





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## 1. Introduction

### 1.1 Status and Purpose of Code

- (1) This Code of Practice is published by the Minister with reference to Article 20G of the Building Control Regulations. The purpose of the Code of Practice is to provide guidance with respect to inspecting and certifying works or a building for compliance with the requirements of the Second Schedule to the Building Regulations.
- (2) Where works or a building to which the Building Control Regulations apply are inspected and certified in accordance with the guidance contained in this Code of Practice, this shall, *prima facie*, indicate compliance with the relevant requirements of the Building Control Regulations.
- (3) The provisions of any guidance contained in this Code of Practice concerning the use of a particular inspection framework or approach will not be construed as prohibiting the use of other suitable frameworks or approaches.

### 1.2 Overview of Code

Building Control Regulations provide for matters of procedure, administration and control for the purposes of securing the implementation of the requirements of the Building Regulations and of demonstrating how compliance with such requirements has been achieved in relation to the building or works concerned.

This Code of Practice gives practical guidance on relevant statutory provisions for persons who undertake the role of Assigned Certifier as provided for in the Building Control Regulations and who are tasked with preparing an inspection plan to be implemented by themselves and others during construction in order that they are in a position to sign the Certificate of Compliance on Completion as Assigned Certifier.

The code sets out standards and procedures that should be adhered to by:

- Building owners
- Designers
- Builders
- Certifiers
- Building Control Authorities
- Building materials and component manufacturers.

### 1.3 Application

The Code of Practice covers the inspection and certification aspects of the Building Control Regulations. The Code of Practice applies to buildings and works for which Certificates of Compliance under the Building Control Regulations are required. The areas covered include:

- Certification
- Lodgement of plans and documentation
- Inspections during construction
- Roles and duties.

### 1.4 Regulatory Design Principles

The overall objective of the revised building control system is to achieve better building construction. The aim is to ensure that all involved in the construction process and the regulatory system work effectively to achieve this. A set of design principles has been used in developing the system of building control and in particular this code. These principles are summarised as follows:

- 1) using a number of complementary measures and interventions to achieve compliance;
- 2) putting in place reasonable and appropriate interventionist measures as necessary to ensure quality outcomes are achieved;
- 3) providing early warning of non-compliance (for the benefit of private sector and building control authorities) so as to build in regulatory responsiveness and to increase the dependability of outcomes ;
- 4) empowering third parties (both commercial and non-commercial) to positively influence compliance with regulatory requirements, thereby achieving better outcomes at less cost and deploying available regulatory resources as effectively as possible; and
- 5) encouraging all participants to achieve good outcomes and recognising that, while the legal requirements set minimum standards which must be achieved, there should be an ambition to exceed these.

### 1.5 Regulatory Oversight

Oversight is central to the revised arrangements for the control of building activity that will operate from 1 March 2014. Building Control Regulations require the private sector to play an active part in achieving compliance and providing better buildings. A key aim of the Code is for regulatory oversight to ensure a culture of compliance with

Building Regulations using a risk based approach to target those who are non-compliant.

Building Owners, Designers and Builders are responsible for the notices, certificates, plans and documentation that are to be lodged with building control authorities. Regulatory oversight is necessary in order to ensure that any failure of regulation among the agencies involved – be they Building Owners, Designers, Builders and/or Building Control Authorities is detected and remedied in an effective and timely manner.

A key element in detection is the system of risk analysis, whereby the online Building Control Management, having regard to the notices and documents lodged at commencement, will inform the Building Control Authority's decisions to deploy available resources towards the inspection and investigation of those construction projects where the risk of failure is highest. This will help Building Control Authorities to escalate findings of non-compliance and, where necessary, effectively use their powers of inspection, enforcement and prosecution in the event of serious breaches of Building Regulations. The aim is that the powers of enforcement and prosecution will become a more credible threat to those who are non-compliant.

## 2. Definitions

The definitions set out below are for the purpose of explaining terms used in this Code of Practice. They are not, and should not be construed as being, legal definitions or interpretations of similar terms which may be used in the Act of 1990 or any regulations made thereunder.

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

"Ancillary Certificates" means a certificate other than a statutory certificate of compliance as prescribed in the Building Control Regulations given by a competent person to confirm compliance of elements of the building, design or works with Building Regulations; and "Ancillary Certifier" means a person proposed to issue such a statement. (Note: a "person" also includes a company);

"Assigned Certifier" means the competent, registered professional person so assigned, in accordance with the Building Control Regulations;

"Builder" means a competent builder appointed, for purposes of the Building Control Regulations, by the building owner, to build and supervise the works;

**"Building Control Authority"** means a Local Authority to which section 2 of the Building Control Act 1990 applies;

**"Building Control Regulations"** means the Building Control Regulations 1997 to 2014 and any amendments thereto;

**"Building Owner"** means the person who has commissioned or paid for the works and who has legal entitlement to have such works carried out on their behalf;

**"Building Regulations"** means the Building Regulations 1997 to 2013 and any amendments thereto;

**"Certificate of Compliance"** means a certificate of compliance provided for under section 6(2)(a)(i) of the Act of 1990;

**"Commencement Notice"** means a notice referred to in section 6(2) (k) of the Act of 1990;

**"Competent Person"**: a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the building or works, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

**"Construction"** includes the execution of works in connection with buildings and any act or operation necessary for, or related to the construction, extension, alteration, repair or renewal of a building; and "constructed" will be construed accordingly;

**"Design"** includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the Construction, extension, alteration, repair or renewal concerned is to be executed and "designed" will be construed accordingly;

**"Design Certifier"** means the person who signs the Certificate of Compliance (Design);

**"Enforcement Notice"** has the meaning assigned to it by *section 8 of the Act of 1990*;

**"Inspection Notification Framework" or "INF"** has the meaning set down in section 7.3 of this Code of Practice;



**"Inspection Plan"** has the meaning set down in section 7.1 of this Code of Practice;

**"the Minister"** means the Minister for the Environment, Community and Local Government;

**"works"** includes any act or operation in connection with the Construction, extension, alteration, repair or renewal of a building;

### 3. Roles and Duties

#### 3.1 Key Responsibility

There is an obligation under section 3(5) of the Building Control Act 1990 that buildings be designed and constructed in accordance with the relevant requirements of the Building Regulations. Building Owners, Designers and Builders are bound by this legal requirement. In undertaking building works, appropriate measures should be taken so that the work is in accordance with the Building Regulations. Designers, Builders and certifiers should exercise reasonable skill, care and diligence in the exercise of their duties. They and persons assigned by them should be competent for the work they undertake.

#### 3.2 Building Owner's Role

The Building Owner is ultimately responsible for ensuring that buildings or works are carried out in accordance with the requirements of the Building Regulations. In relation to the Design and Construction of buildings, the Building Owner should ensure that they appoint a competent Builder and competent registered professionals to act as Designer and as Assigned Certifier.

Specifically, the Building Owner should:

- (a) ensure that a Fire Safety Certificate and a Disability Access Certificate are obtained where required;
- (b) sign a Commencement Notice (or 7 day notice) that is lodged;
- (c) sign the notice for the assignment of:
  - 1) a competent, registered professional (the Assigned Certifier) who will inspect the building works during Construction and provide a certificate of compliance on completion, and
  - 2) a competent Builder to construct in accordance with the plans, specifications and Building Regulations and to sign the Certificate of Compliance on completion; Builders included on the Construction Industry Register Ireland or equivalent may be regarded as competent for projects consistent with their registration profile.
- (d) ensure that adequate resources and competent persons are made available to design, construct, inspect and certify the building works;
- (e) promptly appoint a replacement Assigned Certifier or Builder where the Assigned Certifier or Builder withdraws from the project for whatever reason; where this happens the Building Owner is required under the Building Control

Regulations to give notice to the Building Control Authority of the new assignment; at all times the Building Owner should use reasonable endeavours to ensure that an Assigned Certifier and Builder are in place;

- (f) where there is a change of Building Owner, prior to the submission of the completion certificate, the new Building Owner is required under the Building Control Regulations to give notice of the change of Building Owner and, also, to notify the Building Control Authority in writing of all appointments that are in place; and
- (g) maintain records.

### 3.3 Builder's Role

The Builder should carry out the works in accordance with the plans and specifications of the professional design team, their specialists and sub-consultants as necessary and have regard to these in accordance with the requirements of the Building Regulations.

The Builder (company or sole trader) should:

- (a) accept from the Building Owner the assignment to build and supervise the building or works outlined in the Commencement Notice;
- (b) familiarise themselves with the drawings, specifications and documents lodged with the Commencement Notice;
- (c) ensure a competent person is assigned to oversee the Construction works;
- (d) co-operate with the design team, the Assigned Certifier and other certifiers;
- (e) ensure that the workmanship complies with the requirements of the Building Regulations;
- (f) ensure that materials which they select and for which they are responsible comply with the requirements of the Building Regulations;
- (g) sign the Certificate of Compliance (completion);
- (h) provide to the Assigned Certifier, such documents for which they are responsible, as may assist the Assigned Certifier to collate particulars for the purposes of handover and certification, and/or for further submissions to the Building Control Authority;
- (i) ensure the coordination and provision of all test certificates and confirmations to the satisfaction of the Assigned Certifier or other designated inspectors or

certifiers providing Ancillary Certificates; and

- (j) maintain records.

### **3.4 Designer's Role**

Designers should: -

- (a) design their respective elements of work in accordance with the applicable requirements of the Second Schedule to the Building Regulations;
- (b) provide the Design Certifier with the necessary plans, specifications and documentation that is required for lodgement at commencement stage;
- (c) arrange to provide sufficient information to the Assigned Certifier to enable them to fulfil their role;
- (d) as agreed with the Assigned Certifier, carry out work inspections which are pertinent to their elements of the Design, and liaise with the Assigned Certifier in terms of this and the required ancillary certification;
- (e) notify the Assigned Certifier of their proposed inspection regime for inclusion in the overall Inspection Plan;
- (f) provide the Ancillary Certificates when required by the Assigned Certifier and Design Certifier; and
- (g) maintain records of inspection.

### **3.5 Assigned Certifier's Role**

The Assigned Certifier is assigned by the Building Owner as required under the Building Control Regulations. They undertake to inspect, and to co-ordinate the inspection activities of others during construction, and to certify the building or works on completion. The role of Assigned Certifier does not include responsibility for the supervision of any builder. They may or may not be a member of the design team. The Assigned Certifier should: -

- (a) provide and sign the relevant statutory certificates - the form of undertaking at commencement and the Certificate of Compliance on Completion;
- (b) co-ordinate the ancillary certification by members of the design team and other relevant bodies for the Certificate of Compliance on Completion;

- (c) identify all design professionals and specialists, in conjunction with the Builder, from whom certificates are required;
- (d) identify all certificates required and obtain them;
- (e) co-ordinate and collate all certification of compliance for completion in conjunction with the Builder;
- (f) in consultation with the members of the design team, plan and oversee the implementation of the Inspection Plan during Construction;
- (g) prepare the Preliminary Inspection Plan and oversee adherence to this plan, and on completion provide the Inspection Plan as implemented;
- (h) on termination or relinquishment of their appointment make available to the Building Owner all certification prepared and inspection reports carried out;
- (i) act as the single point of contact with the Building Control Authority during construction;
- (j) seek advice from the Building Control Authority, in respect of compliance matters relating to the building or works where disputes or differences of opinion arise between the parties to the project; and
- (k) maintain records of inspection.

### **3.6 Role of Building Control Authority**

#### **3.6.1 Overall Role**

The Building Control Authority should:

- (a) process applications for Fire Safety Certificates and Disability Access Certificates and issue decisions on those applications;
- (b) validate and register Commencement Notices / 7-day Notices and the accompanying Certificates of Compliance (Design), notices of assignment by Building Owner, and notices of undertakings by the Assigned Certifier and the Builder;
- (c) undertake a risk analysis of each commencement notice submitted in order to inform its own inspection arrangements;
- (d) advise the Assigned Certifier, in relation to issues of compliance relating to the building or works that are disputed by parties to the construction project;
- (e) validate and register the Certificate of Compliance on Completion and

accompanying documentation submitted in support of same;

- (f) maintain a public register of Building Control decisions and activity; and
- (g) maintain records, including records of inspection

Under the Act of 1990 Building Control Authorities have strong powers of inspection, enforcement and prosecution. While Building Control Authorities use enforcement and the courts to effect compliance where reasonable and appropriate to do so, desired results can also be achieved, and often are, through discussion and persuasion with the threat of legal action.

It is expected that Building Control Authorities will undertake an appropriate level of assessment and inspection informed by the risk analysis of commencement notices submitted via the Building Control Management System, thereby ensuring that available inspection resources are targeted towards projects carrying the greatest risks. Inspections by Building Control Authorities are undertaken in the interests of public safety and law enforcement. This does not relieve building owners, builders, designers or assigned certifiers of their statutory obligations to build and construct in compliance with the requirements of the Building Regulations and to demonstrate through inspection, certification and lodgement of documentation how compliance has been achieved in practice.

Where inspections are carried out by Building Control Authorities they should make their inspection reports available to Assigned Certifiers and the Builders on an on-going basis.

### **3.6.2 Commencement Stage - Validation**

On receipt of the Commencement Notice, together with the notices of assignment of Builder and Assigned Certifier and their respective undertakings and the Design Certificate and accompanying plans and documentation the Building Control Authority will undertake a validation process on the documentation submitted. There is no requirement or obligation on the Building Control Authority to carry out a technical assessment of the plans or other documents submitted, see section 6(4) of the Building Control Act 1990. Separate to its administrative function of maintaining a statutory register of building activity, Building Control Authorities have strong powers of inspection and enforcement under the Building Control Acts. They should exercise these powers based on the combination of risk-based assessment and random selection.

The purpose of the lodgement of plans, mandatory inspection by registered professionals, statutory certificates of compliance and registration of certificates and accompanying documentation is to ensure a strong culture of compliance with the Building Regulations, and greater accountability and transparency in the process.

From the Building Control Authority's perspective, any plans and documentation lodged will be readily available should the particular project be selected for a building control inspection.

### **3.6.3 Construction stage – assessment and inspection**

Building Control Authorities should adopt a formal policy for the assessment and inspection of building work as notified on the Building Control Management System. Authorities should adopt a risk management based approach in undertaking this work. This will include consideration of matters such as: -

- (a) the use of the building;
- (b) the type of construction;
- (c) the level of experience of the design team and the Builder; and
- (d) past experience regarding compliance by the parties involved in the project.

In addition a level of random assessment and inspection should be carried out.

In line with the agreed Service Indicators for Local Government, Building Control Authorities are required to carry out a level of inspection equivalent to 12% to 15% of new buildings for which valid commencement notices have been received.

Building Control Authorities should keep full records of all assessments and inspections carried out. Inspection reports should be made available to the Assigned Certifier and the Builder.

### **3.6.4 Completion stage**

The role of the Building Control Authority at completion stage is to validate the submission of the Certificate of Compliance on Completion and, where appropriate to include details of same in the statutory register of building control activity. The validation process will include checking that the certificate was properly completed and signed by the appropriate persons. The authority will check that there are no unresolved matters in relation to requests under Section 11 of the Act or Enforcement Notices or conditions attached to Fire Safety Certificates, Disability Access Certificates, etc. It is not appropriate for the Building Control Authority to commence a technical assessment at this stage.

Documents accompanying the certificate of compliance on completion should be retained on the Building Control Management System by the Building Control Authority.

## 4. Certification

### 4.1 Certificates Required

As set out in the Building Control Regulations, certificates are required for certain buildings and works. The following four certificates are required to be submitted:

- (a) the Design Certificate signed by the Design Certifier at the commencement stage;
- (b) the form of Undertaking signed by the Assigned Certifier at the commencement stage;
- (c) the form of Undertaking signed by the Builder at the commencement stage; and
- (d) the Certificate of Compliance on Completion signed by the Builder and by the Assigned Certifier at completion stage.

### 4.2 Who can sign as the Design Certifier and/or as the Assigned Certifier

#### 4.2.1 Assigned Certifier and Design Certifier

The following may be appointed and sign as the Assigned Certifier, provided they are competent in relation to the particular works involved:

- (a) Architects that are on the register maintained by the RIAI under Part 3 of the Building Control Act 2007; or
- (b) Building Surveyors that are on the register maintained by the SCSi under Part 5 of the Building Control Act 2007; or
- (c) Chartered Engineers on the register maintained by Engineers Ireland under section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969.

Similarly, the Design Certifier must be one of the above registered professionals and must be competent to carry out their design and to co-ordinate the design activities of others for the works concerned.

#### 4.2.2 Ancillary Certifiers

Apart from the Assigned Certifier and Design Certifier there is likely to be a range of certifiers on most projects, including certifiers appointed by the Building Owner, by his design team and/or by the Builder. Ancillary certifiers may include:

- Architects and Architectural Technologists/Technicians;
- Consulting Engineers (especially structural/civil and mechanical/electrical) appointed by the Building Owner to design, inspect and certify the relevant



elements of the works;

- Designers (e.g. for piling, for mechanical/electrical work, for soil and waste pipework or for precast concrete elements) appointed by the Builder to design and certify the relevant elements of the works;
- other competent technical and trade persons that install products and/or test on completion; and/or
- the Builder, sub-contractors, suppliers and manufacturers, both in relation to certifying Design and Construction, and also in relation to components or assemblies supplied for the works, and/or in relation to tests.

Every certifier should exercise reasonable skill, care and diligence in the exercise of their duties.

#### **4.3 Certificate of Compliance (Design)**

The Design Certifier signs the Design Certificate that is lodged with the Commencement Notice and ensures that any necessary Ancillary Certificates from members of the design team are scheduled and lodged as necessary and appropriate. The Design Certifier is responsible for co-ordinating and compiling and scheduling of the plans, calculations, specifications and particulars that are to be included on the schedule to be lodged at commencement and to which the Design Certificate relates. The lodgement of plans and documentation is dealt with below. Where elements of the Design have not been completed, these should be clearly set out with an undertaking that when complete, these too will be certified and submitted to the Building Control Authority.

The Design Certifier, in compiling the plans and documentation and in preparing the Design Certificate should review the scope of requirements of the Building Regulations that apply to the building work concerned. A Summary List of the requirements of the Building Regulations is provided in the Appendix.

#### **4.4 Undertaking by Assigned Certifier**

The Assigned Certifier, appointed by the Building Owner, gives an undertaking to coordinate the inspection of the works by themselves and others and to certify the works on completion.

The individual certifiers should undertake to inspect and to cooperate with the other members of the Building Owner's design team in accordance with the Inspection Plan based on Section 7 below. They also provide the necessary Ancillary Certificates to

the Assigned Certifier.

#### **4.5 Undertaking by Builder**

The Builder, appointed by the Building Owner, gives an undertaking to construct, to cooperate with the Assigned Certifier and to sign the Certificate of Compliance on Completion as required under the Building Control Regulations.

As part of this undertaking, the Builder should co-ordinate the work of specialist sub-contractors and designers and should ensure that Ancillary Certificates of Compliance are provided.

#### **4.6 Certificate of Compliance on Completion**

The Assigned Certifier and the Builder sign the Certificate of Compliance on Completion, supported by Ancillary Certificates from other members of the design team and by certificates from specialist sub-contractors.

The Assigned Certifier lodges the following on the Building Control Management System with the Building Control Authority:

- (a) the Certificate of Compliance on Completion, supported by a schedule of Ancillary Certificates from other members of the design and construction team; and
- (b) such plans, calculation, specifications and particulars as are deemed necessary by the Assigned Certifier to show how the building as completed achieves compliance with the Building Regulations and, indicating clearly, wherever applicable, how these documents differ from any documents submitted to accompany the commencement notice or submitted at a later date.

#### **4.7 Change of Assigned Certifier and/or Builder**

In the case of a change in the Assigned Certifier or the Builder during the project, the Building Owner is required to do the following:

- (a) where the Assigned Certifier or the Builder notified at commencement notice stage withdraws from the project for whatever reason, the Building Owner should submit a new Notice of Assignment along with the relevant form of Undertaking signed by the new assignee;
- (b) the new Assigned Certifier and/or new Builder should review the status of compliance of the work completed and deal appropriately with the findings from the review. This may involve consultation with the Building Control Authority.

In the event that the Assigned Certifier wishes to end their appointment or that it is being terminated by the Building Owner during the course of the works, the Assigned

Certifier is required to provide to the Building Owner and to the Building Control Authority the records of inspection up to the date on which their appointment ends, along with any available certification of compliance of Design and/or Construction up to that date. Measures should be taken during the course of the building or works to ensure that matters relating to the payment of fees do not hinder this possible eventuality.

A change of either the Assigned Certifier and/or the Builder will require liaison with the Building Control Authority, who are expected to advise and assist the relevant parties in relation to any action that may be required, having regard to the circumstances involved, in order that the building or works notified at commencement may be subject to a valid Certificate of Compliance on Completion.

This may involve a new Commencement Notice including a new Preliminary Inspection Plan, so as to enable both the Assigned Certifier and the Builder to appropriately describe the building or works for which they are responsible, and the basis upon which a Completion Certificate will be issued.

The new Preliminary Inspection Plan will set out the necessary agreed additional inspections, testing or reports, if any, to be carried out, so far as is reasonably practicable, on the already built works.

The Assigned Certifier and the Builder are required to notify the Building Control Authority before ceasing their role; other than where this is not physically possible, in which case the Building Owner is required to undertake this duty.

A change of Assigned Certifier or Builder during the course of the works is a significant alert to the risk analysis system of the Building Control Authority, which may trigger an inspection of the Design and other documents and a site inspection.

## **5. Lodgement of Plans and Documentation**

### **5.1 Plans and specifications**

The Design Certifier and the Assigned Certifier, before signing the Design Certificate and the form of Undertaking by the Assigned Certifier respectively, should exercise reasonable skill, care and diligence in checking that the documentation for which each is responsible is appropriate for lodgement with the Commencement Notice.

In some cases certain aspects of the building or works may not be fully designed at commencement stage, but each such incomplete aspect or design element should be identified in the submission which accompanies the Commencement Notice together with an indicative date by which it is expected that the outstanding design element will be completed. In all cases, an appropriate level of plans and documentation should be submitted to the Building Control Authority.

The plans and documentation required at commencement stage where the works involve a new dwelling, an extension (to a dwelling) with a total floor area greater than 40 square metres or require a Fire Safety Certificate will include:

- (a) general arrangement drawings – plans, sections and elevations – prepared for building control purposes;
- (b) a schedule of such plans, calculations, specifications and particulars as are currently designed or as are to be prepared at a later date;
- (c) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations (Parts A to M);
- (d) the Preliminary Inspection Plan prepared by the Assigned Certifier;

and may, typically, also include:

- (e) drawings of particular details as appropriate;
- (f) drawings showing work that is below ground;
- (g) general arrangement structural drawings showing the main structural elements
- (h) specifications including materials and products; and performance specification for elements that may be the subject of ancillary certification.

## 5.2 Other Documentation

Key documents as is appropriate should be submitted depending on the particular building works.

Structural calculations and site investigation reports do not have to be submitted at commencement stage. However, they should be kept and made available on request to the Building Control Authority. The information should be provided to the Building Control Authority within two weeks of being requested.

## 5.3 Lodgement of plans at later stage

Design work that is due for completion and specialist design that is not available for submission at commencement stage should be certified and submitted at a later stage. Drawings and documentation for these designs should be submitted before the relevant work commences, with Ancillary Certificates of Compliance, where appropriate. Similarly, drawings and documentation for changes or omissions should be certified and submitted before the relevant work commences.

## 6. Commencement Stage

### 6.1 Online submission to Building Control Authority

The online submission at commencement stage will typically include the following: -

- a) commencement notice (or 7 day notice);
- b) plans, calculations, specifications and particulars as are necessary to outline how the building proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations relevant to the works or building concerned, and including -
  - general arrangement drawings – including plans, sections and elevations;
  - a schedule of such plans, calculations, specifications and particulars as are currently designed or are to be prepared at a later date;
  - the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations (Parts A to M);
- c) the preliminary Inspection Plan prepared by the Assigned Certifier;
- d) a Design Certificate (with a schedule of Ancillary Certificates by members of the design team, who should also sign their certificate);
- e) a Notice of Assignment of Assigned Certifier by the Building Owner;
- f) a Notice of Assignment of Builder by the Building Owner;
- g) form of Undertaking by the Assigned Certifier;
- h) form of Undertaking by the Builder and
- i) the appropriate fee.

## 7. Construction Stage Inspection – by Certifiers

### 7.1 Inspection Plan

The Assigned Certifier and other persons nominated to undertake necessary inspections should adopt an appropriate Inspection Plan which takes full account of relevant factors for the building work concerned. Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and records sufficient to demonstrate the application of reasonable skill, care and diligence.

The building control process, in order to be effective, requires an Inspection Plan of appropriate intensity and frequency. However, it is not practicable for every item of

work to which the Building Regulations relate to be examined. The supervision by the Builder is, therefore, of critical importance. The test of the Inspection Plan will be its success in achieving reasonable standards of health and safety in or about buildings, and of energy conservation, accessibility and sustainability for building users.

Inspection staff should use professional skill and judgement in their selection of priorities for inspection. Depending on the complexity of the project, such inspections may need to be carried out by personnel with greater expertise. Inspection staff should be briefed by their employer and, where necessary, by the Assigned Certifier on the Design lodged to the Building Control Authority and on appropriate inspections and tests to carry out.

#### **7.1.1 Factors in Determining Inspection Plan**

The Inspection Plan is dependent on many factors including:

- (a) type of building, type of construction and expertise of the Builder;
- (b) how complicated or relatively straightforward the method of construction is;
- (c) whether recent experience indicates current problems in interpreting and/or achieving compliance with certain requirements;
- (d) how serious the consequences of a particular contravention might be;
- (e) the impracticability or impossibility of subsequent inspection of closed up work; and
- (f) the speed of construction, or methods of fast track construction.

#### **7.1.2 Inspection**

Subject to the appropriate professional judgement and risk assessment, and recognising that it is not practicable to examine every item of work to which the requirements of the Building Regulations relate, inspection arrangements should normally make provision for inspection of:

- (a) elements and components, the failure of which would, in the opinion of the certifier, be significant;
- (b) works which, in the opinion of the certifier, constitute unusual designs or methods of construction;
- (c) work relating to fire safety;
- (d) types of work, construction, equipment or material which could, if not verified,

cause defects which would, in the opinion of the certifier or designated inspector, be seriously detrimental to the fundamental purposes of the Building Regulations; and

- (e) additional areas of work necessary for the subsequent issue of a certificate at completion.

## 7.2 Inspection frequency

The most important thing is to have an appropriate Inspection Plan; the scope and frequency of inspection should be determined and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the Inspection Plan factors above.

Periodic inspection should be carried out depending on the size and nature of the particular building project. This should include critical milestone inspections and inspections as set out in the Inspection Notification Framework (INF).

## 7.3 Inspection Notification Framework (INF)

The Assigned Certifier should, as part of the Inspection plan and before the commencement of work on site, agree with the Building Owner and Builder an INF, taking account of the building works involved and other factors. The INF should identify generally the stages or items of work the individual certifiers wish to be notified of, as and when they are ready for inspection.

The Assigned Certifier should make available an Inspection Plan including the Inspection Notification Framework (INF), taking account of the complexity of the project and other factors. The INF should identify generally the stages or items of work which the Assigned Certifier wishes to be notified to him/her and nominated Ancillary Certifiers when such stages or items are ready for inspection.

The INF should be prepared:

- in conjunction with the Inspection Plan;
- in consultation, as far as possible and necessary, with other members of the Design and Construction team and with those providing Ancillary Certificates; and,
- before the commencement of work on site;

and should be communicated to the Building Owner and Builder.

Each certifier and testing agency together with the Builder and others should then respond, as appropriate, to all notifications identified in the INF.

**NB:** it should be made clear to the Builder that the Assigned Certifier and the other

persons referred to above may carry out unannounced inspections between the stages identified in the INF and/or in the Inspection Plan.

#### **7.4 Follow up procedures**

Effective follow up procedures are essential to check that previously noted non-compliance issues have been corrected. The person responsible for the particular inspection, e.g. the Assigned Certifier or the Ancillary Certifiers, should check that the matter raised has been resolved satisfactorily.

#### **7.5 Tests**

Certain tests may need to be carried out, as necessary, in order to demonstrate compliance. In some cases such tests may be ones referred to in the Technical Guidance Documents published to accompany the various parts (A to M) of the Building Regulations. The Assigned Certifier and Ancillary Certifiers should consider and identify the need for such tests at the earliest possible stage and as far in advance as possible. They should include them, as far as possible, in the building contract documentation where there is a contract in place.

The Inspection Plan and the INF should indicate the tests that the Certifiers wish to monitor periodically and, where necessary, the Building Owner should be notified about test requirements.

#### **7.6 Records of inspection**

Records of each inspection should be maintained by the person and firm responsible and should be sufficient to identify the work inspected and any non-compliance. Where the work inspected is not shown on drawings available to the person inspecting, these records will necessarily be more detailed. It is important, in order to ensure that proper, evidence-based inspection arrangements and procedures are in place, that adequate records are maintained to show what works were inspected, the results of the inspection and any remedial action considered necessary and when such remedial action was carried out.

### **8. Completion Stage**

#### **8.1 Submission at completion**

At completion stage, the Assigned Certifier is required to submit the following to the Building Control Authority:

- (a) a Certificate of Compliance on Completion signed by the Builder (at Part A) and by the Assigned Certifier (at Part B);



- (b) plans, calculations, specifications and particulars, showing how the completed building has achieved compliance with the Building Regulations must be lodged on the Building Control Management System when the Certificate of Compliance on Completion is submitted or at an earlier date. Where design documents have changed or supersede design documents previously lodged with the Building Control Authority with the Commencement Notice or at a later date, any such difference should be clearly identified;
- (c) the Inspection Plan as implemented by the Assigned Certifier in accordance with this Code of Practice.

**NB:** The Certificate of Compliance on Completion must be validated and registered by the Building Control Authority before the building it relates to may be opened, used or occupied. If rejected by Building Control Authority within 21 days, the certificate is not valid.

## 8.2 Validation and Registration of Certificate

Where a Certificate of Compliance on Completion is received by a Building Control Authority, the Authority should validate the certificate and place it on the register where it is in order to do so within 21 days. The validation process will include checking that the certificate was properly completed and signed by the appropriate persons i.e. the Assigned Certifier and the Builder. The authority will check that there are no unresolved matters in relation to requests for information, enforcement notices or conditions attaching to Fire Safety Certificates, Disability Access Certificates, etc. It is not appropriate for the Building Control Authority to commence a technical assessment at this stage.

On receiving the certificate and accompanying documents, the Building Control Authority will:

- (a) record the date of receipt of the certificate (this should be done online);
- (b) within the next 21 days consider whether the certificate is valid and:
  - 1) if valid, include details of the certificate on the statutory register,
  - 2) if the certificate is regarded as not being valid, the Building Control Authority will reject the certificate and notify, giving reasons, the Assigned Certifier that the certificate cannot be accepted or require the Assigned Certifier to submit such revised certificate or additional documentation as may be deemed necessary by the authority for the purposes of validation.
- (c) where the Building Control Authority does not validate or reject a certificate or seek a revised certificate or additional documentation within the 21 day period, the certificate will be placed on the register automatically. A

development, where the Certificate of Compliance on Completion has been registered will be deemed to comply with the certification procedures if it has not been rejected by the Building Control Authority within the statutory 21 day period;

- (d) if the Building Control Authority requires a revised Certificate or further documentation to be lodged, and such revised certificate or documentation is submitted, the Building Control Authority may, within 7 days of the date of the submission, seek additional clarification in relation to the revised certificate. Where additional clarification is not sought by the Building Control Authority within this seven day period, the Building Control Authority will include details of the Certificate of Completion on the statutory register.

### **8.3 Nominated Date for Registration of Certificate**

- (a) Between 3 and 5 weeks prior to a nominated completion date for the building, the Assigned Certifier may submit the required documentation demonstrating compliance and the Inspection Plan to the Building Control Authority and ask the Authority to proceed to consider the validity of the prospective Certificate of Compliance on Completion with a view to facilitating the inclusion of the details of the Certificate of Compliance on Completion on the statutory register on the nominated date.
- (b) The authority at that point arranges to undertake its validation checks and satisfy itself that there are no unresolved matters in relation to requests under Section 11 of the Act or enforcement notices or conditions attached to Fire Safety Certificates, Disability Access Certificates, etc. The authority will also check the names of the Assigned Certifier and Builder as provided. Where the authority is not satisfied that matters are in order it will notify the Assigned Certifier that a Certificate of Compliance on Completion cannot be accepted and give reasons why.
- (c) Where the Building Control Authority is satisfied that all requirements in relation to the submission of documentation have been met and where a valid Certificate of Compliance on Completion (that is consistent with the project described in the relevant commencement notice and the documentation submitted 3 to 5 weeks earlier and signed by appropriate persons notified as having been assigned to act as Builder and Assigned Certifier) is presented no later than one working day prior to the nominated date, the Certificate of Compliance on Completion will be included on the statutory register on the nominated date.

#### **8.4 Phased Completion**

For buildings that are completed for occupation on a phased basis for example houses or apartment blocks, it is appropriate that Certificates of Compliance on Completion for each phase may be submitted separately. In this regard, it should be noted that a Certificate of Compliance on Completion may refer to works, buildings, including areas within a building, or developments, including phases thereof. In such circumstances, one or more certificate of compliance on completion may be referenced to a single commencement notice. All Builders and Assigned Certifiers signing Certificates of Compliance on Completion should clearly identify the precise building units or works to which it relates. Where it is in order to do so, the Building Control Authority should accept the certificate for the particular phase and place it on the register.

### **9. Archiving of Records**

Arrangements should be put in place by the Assigned Certifier and the Builder to ensure that records relating to the full service they provided to individual projects are retained for a minimum period of 6 years after completion. This should include ancillary certificates, plans, calculations, specifications, documents and records of inspection. A significant amount of these records may form part of the Safety File provided for under the Safety, Health and Welfare at Work (Construction) Regulations 2013, in which case these records do not need to be retained separately. Arrangements should be made by all relevant parties for their transfer into safe keeping in the event of the holder of any relevant records ceasing to trade.

### **10. E-lodgements**

The online Building Control Management System hosted by the Local Government Management Agency has been developed for use by all building control authorities as the preferred means of administration of building control functions. Owners, builders and professionals who seek to make paper-based submissions after 1 March 2014 will be required to pay an administrative charge to cover the cost of scanning and uploading their submissions. Statutory notice periods and validation timelines may also be affected.

### **11. Professional Ethics**

Once a client has engaged a certifier for a project or preliminary negotiations are in progress, the professionalism with which that project is handled will be guided by the codes of conduct of the appropriate registered professional bodies. These codes of conduct are publicly available from the relevant professional bodies.

## 12. Insurance

There are various types of insurances that are provided in the construction industry. Apart from general insurances such as employer's liability and public liability insurances there are other insurances including professional indemnity insurance, and latent defects insurance policies provided by insurers who specialise in construction related insurance. The provision of guidance in relation to insurance is an important matter for consideration but it is outside the scope of this Code of Practice. Owners, and homeowners in particular, who commission works should generally satisfy themselves as to the adequacy of the insurances held by contractors or professionals they may wish to consider engaging. Often the level and scope of insurance cover held by other parties to a construction project will have a bearing on the willingness or otherwise of other industry practitioners to become involved.

### Appendix: List of Requirements under Building Regulations

Ref.	Description	Apply	Does not apply	Partially applies	Comment
<b>Part A - Structure</b>					
A1	Loading				
A2	Ground movement				
A3	Disproportionate Collapse				
<b>Part B – Fire Safety</b>					
B1	Means of Escape				
B2	Internal Fire Spread - Structure				
B3	Internal Fire Spread - Linings				
B4	External Fire Spread				
B5	Access and Facilities for the Fire Service				
<b>Part C – Site Preparation &amp; Resistance to Moisture</b>					
C1	Preparation of Site				
C2	Subsoil Drainage				
C3	Dangerous Substances				
<b>Part D – Materials and Workmanship</b>					
D1	Materials and Workmanship				

Ref.	Description	Apply	Does not apply	Partially applies	Comment
<b>Part E - Sound</b>					
E1	Airborne Sound (walls)				
E2	Airborne Sound (floors)				
E3	Impact Sound (floors)				
<b>Part F - Ventilation</b>					
F1	Means of Ventilation				
F2	Condensation in Roofs				
<b>Part G - Hygiene</b>					
G1	Bathrooms and Kitchens				
G2	Sanitary Conveniences and Washing Facilities				
<b>Part H – Drainage and Waste Disposal</b>					
H1	Drainage System				
H2	Septic Tanks				
<b>Part J – Heat Producing Appliances</b>					
J1	Air Supply				
J2	Discharge of products of Combustion				
J3	Protection of Building				
J4	Oil Storage Tank				

Ref.	Description	Apply	Does not apply	Partially applies	Comment
<b>Part K – Stairways, Ladders, Ramps and Guards</b>					
K1	Stairways, Ladders and Ramps				
K2	Protection from Falling				
K3	Vehicle Ramps				
<b>Part L – Conservation of Fuel and Energy</b>					
L1	Conservation of Fuel and Energy				
L2	Conservation of Fuel and Energy in Existing Dwellings				
L3	Conservation of Fuel and Energy in New Dwellings				
L4	Conservation of Fuel and Energy in Buildings other than Dwellings				
<b>Part M – Access and Use</b>					
M1	Access and Use of Buildings				
M2	Sanitary Conveniences				
M3	Audience or Spectator Facilities				

