

## **JOC – 8<sup>th</sup> December 2022 – Minister Burke**

I thank the Committee for affording me the opportunity to present this proposed regulation - **Regulation of Providers of Building Works and Miscellaneous Provisions Act 2022 (Appointment of Registration Body) Order 2022.**

This regulation provides for the appointment of the Construction Industry Federation as the statutory registration body for the Construction Industry Register Ireland. This is an important step in the establishment of a statutory register for builders.

As explained during the passage of the Bill, it is intended that the Construction Industry Federation (CIF) will be appointed as the statutory registration body. It is preferable that a body with experience and expertise in the construction industry performs this function – similar to how the Royal Institute of the Architects of Ireland (RIAI) and the Society of Chartered Surveyors Ireland (SCSI) operate statutory registers for architects and surveyors. The Act requires the Minister to take into account the need for the body appointed to possess sufficient expertise and knowledge relating to

standards in construction, including development and monitoring of those standards.

On establishment it is intended that the Registration Body will appoint a registrar and administrative staff and will commence the development of a robust IT system for registration.

Upon appointment of the independent Board it is intended that the Board will establish Committees to determine categories of registration and the competencies required for each category. The Board will recommend these categories and competencies to the Minister and subject to his/her review the Minister will make regulations for the categories of registration and the competencies required.

The Construction Industry Register Ireland, (CIRI register) was established on a voluntary basis in 2014 by the Construction Industry Federation.

Approximately 800 building and contracting entities are currently included on the register. This will increase substantially once the requirement to register with the statutory register comes into effect. It is estimated that at least 5,000 entities will be required to register. It is envisaged that builders can begin

registering in 2024 and it will be statutory from 2025 for the first categories established. These will likely be house builders and non-residential builders. Registration for various trades will happen subsequently.

Given the wider functions of the CIF, there are a number of safeguards in place to ensure and maintain the independence of the registration body. The registration body will have delegated responsibility for the day to day maintenance of the register within the confines of the **specific and limited parameters** set out in the Bill.

The Board of the registration body will be completely independent of the body.

The independence of the registration body will be maintained through the following measures:-

- All powers of the registration body will be prescribed in legislation;
- All competency requirements for registration will be recommended by the Board and prescribed by the Minister;
- The Board will make decisions in relation to all sanctions including removal from the register.
- Removal from the register must be confirmed by the High Court;

- All prosecutions under the act will be taken by the Board or the Director of Public Prosecutions;

Registration will apply to entities or individuals who hold themselves out for consideration as a provider of building works for both residential and non-residential buildings (subject to the building regulations). It does not include employees of such entities but does include sole traders. This will mean significant change for all sections of the industry who will be obliged to demonstrate the required competencies to carry out building works in the categories for which they are registered.

Many examples of building failure as a result of non-compliance with Building Regulations have come to light in recent years due to deficient regulation of the construction sector. This contributed significantly to the large number of buildings constructed in Ireland which did not comply with statutory minimum standards of design and construction as set out in the Building Regulations.

There has been a significant effort over the past decade to address past deficiencies most notably through the implementation of a range of building control reforms. Since 2011, the reforms have focused primarily on ensuring

strong and effective regulation in the building control system and the construction industry, on improving compliance with the Building Regulations, and on greater consumer protection.

To further support the building control system, preparatory work is progressing on establishing an independent Building Standards Regulator to oversee building control nationwide and to act as custodian of the Building Control Management System.

The Regulation of Providers of Building Works Act 2022 builds on this work by developing and promoting a culture of competence, good practice and compliance with the Building Regulations in the broader construction sector which will benefit consumers and the general public. Mandatory statutory regulation is necessary to protect the public from the risks posed by defective buildings as it is the only way to ensure that builders can only take on work for which they are competent in and registered to undertake.

It will be an essential consumer protection measure giving those who engage a registered builder the assurance that they are dealing with a competent and compliant operator. It is a key regulatory measure of the broader building

control reform agenda and to the Housing for All objective to deliver quality housing.