

# A Guide to the Building Control (Amendment) Regulations 2014 for Chartered Project Management Surveyors

SCSI / RICS information paper



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## Foreword

Project Management is the management of people, time, quality and costs by an individual or a team to achieve the efficient commencement, progress and conclusion of a project. All of these elements apply to construction projects.

Chartered Project Management Surveyors (CPMS) in the construction industry are responsible for planning and managing building projects. Their responsibilities often include the management of design, procurement, planning, budget, contractors, clients, the lifecycle of the project, document management and other areas; to ensure that the construction project achieves the Client's objectives.

Project Management in the construction industry also has to comply with sustainability, insurance, health & safety, and legal requirements.

This Information Paper (IP) aims to assist Chartered Project Management Surveyors with the new issues pertaining to managing construction projects under the Building Control (Amendment) Regulations 2014 (BCAR).

This IP explains BCAR from a project management perspective. It also sets out some useful tips and advice that may be of relevance when managing construction projects under the Building Control (Amendment) Regulations 2014 (BCAR).

It is not a treatise on the entire BCAR process but rather covers aspects that the CPMS should be aware of. This IP is intended to inform generally in the area of single occupancy works and fit-outs and is not intended to be an IP on the complexities that might arise in multiple occupancy projects.

The process of delivering project management services often begins with a client's brief and generally concludes as a completed project ready for handover and commissioning.

The brief of the CPMS normally includes working as part of a multi-disciplinary team and to work in a way that is timely and aligned with the requirements of the contract and of the construction process.

Under BCAR, the CPMS needs to be aware of the new system in place and to be cognisant of the potential implications, risks and delays that may arise. Anticipation, planning and then early intervention are keys to the delivery of a compliant project on time, quality and on budget.

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# SCSI Information Paper

This is an information paper (IP). Information papers are intended to provide information and explanation to SCSI members on specific topics of relevance to the profession. The function of this paper is not to recommend or advise on professional procedure to be followed by members.

It is however, relevant to professional competence to the extent that members should be up to date and have knowledge of information papers within a reasonable time of their coming into effect.

Members should note that when an allegation of professional negligence is made against a surveyor, a court or tribunal may take account of any relevant information papers published by SCSI in deciding whether or not the member has acted with reasonable competence.

## Document status defined

SCSI produces a range of standards products. These have been defined in the table below.

Document status defined		
Type of document	Definition	Status
SCSI practice statement	Document that provides members with mandatory requirements of the Rules of Conduct for members	Mandatory
SCSI code of practice	Standard approved by SCSI that provides users with recommendations for accepted good practice as followed by conscientious surveyors	Mandatory or recommended good practice (will be confirmed in the document itself)
SCSI guidance note	Document that provides users with recommendations for accepted good practice as followed by competent and conscientious surveyors.	Recommended good practice
SCSI information paper	Practice based information that provides users with the latest information and/or research	Information and/or explanatory commentary



# 1. Introduction

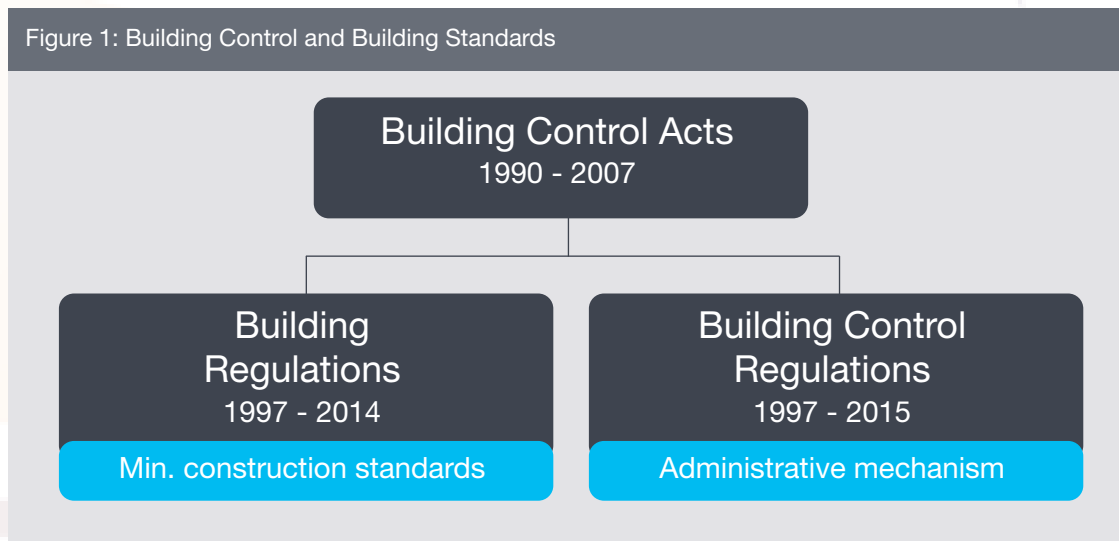
The purpose of this information paper is to assist the Chartered Project Management Surveyor (CPMS) in the delivery of PM services and to highlight the implications of some of the issues arising from BCAR. It also seeks to provide useful tips and advice in a way that will facilitate the successful delivery of a project to a client in compliance with BCAR.

It is assumed that the reader of this Information Paper is a CPMS and is thus addressed as 'you'.

The Building Control (Amendment) Regulations 2014 (BCAR) are applicable to the majority of construction projects commenced after 1st March 2014. These introduce new procedural measures for ensuring compliance with Building Regulations. Given the variety of different construction projects in practice, there may be a variation in requirements. This IP primarily provides information relevant to the CPMS involved in the management of construction projects where the Commencement Notice (CN)<sup>1</sup> is lodged on or after 1st March 2014. Use of a private sector lump sum standard form of building contract (where Employer / Building Owner provide design) is assumed.

BCAR now provides for a much more comprehensive system of monitoring and control of certain buildings or works from 1st March 2014. The legislation requires mandatory design certification, lodgement of plans and particulars, builder's supervision and certification. Compliance must be verified by a mandatory inspection plan prepared by an appointed Assigned Certifier (AC). Inspections with inter-reliance on ancillary certification is required by key parties involved in the building process. This will affect certain buildings and works including those requiring a Fire Safety Certificate (FSC).

Figure 1: Building Control and Building Standards



BCAR should assist in improving standards of construction and compliance in relation to buildings and works. Administration and operational oversight of the system is carried out by Building Control Authorities, who, while responsible for validation<sup>2</sup> of the BCAR process are not required to carry out inspections, however they have powers to carry out inspections in accordance with BCAR on any particular site and will not certify any building or works.

Members should be aware of other supplementary professional guidance and information papers produced by the SCSi for the CPMS and other SCSi Professional Groups. Some of these publications are listed in Appendix 5 and are available for free member download at [www.scsi.ie](http://www.scsi.ie).

<sup>1</sup> Where Commencement Notice is referred to in this document it can also be taken to read 7 Day Notice where applicable.

<sup>2</sup> Validation of a commencement, or 7 Day Notice by a Building Control Authority is based on the assumption that the facts presented in any Statutory Document are true and accurate.

## 2. BCAR and the implications for the Chartered Project Management Surveyor

### 2.1 What are the Building Control Regulations?

Along with the Building Regulations, which set out the appropriate construction standards, the Building Control Regulations provide for the administrative mechanisms to support the implementation of standards including such items as Commencement Notices (CNs), Fire Safety Certificates (FSCs), Disability Access Certificates and now, in certain cases, inspection regimes and Certificates of Compliance.

### 2.2 What projects do they apply to?

The Regulations apply to construction projects including those that fall within Part II or Part III of the Building Control Regulations.

They do not apply to:

1. Anything to which building regulations do not apply, nor
2. Anything that falls outside the relevant section of the Building Control Act.

Some “fit outs” of existing premises may/ may not require a fire safety certificate (FSC). Therefore, a determination needs to be made by the Client, based on the advice of the Project Designer, as to the need for a CN and whether or not BCAR is applicable.

It is important to consider any potential BCAR issues that may or may not arise in relation to investigatory works, enabling works, utilities, civil works, process, plant and machinery installations.

### 2.3 Are any projects exempt from BCAR?

Certain developments are exempt from the Building Control (Amendment) Regulations as listed in Appendix 1.

### 2.4 How do the Building Control Regulations arise?

BCAR arises particularly when a CN is required and works are subject to Part III of the Building Control Regulations. This triggers the Regulations, requiring the Building Owner to complete statutory documentation outlining his/her contact details and those of the Assigned Certifier (AC), Design Certifier (DC), and the Builder.

### 2.5 What are the legal obligations of the Building Owner under BCAR?

The Building Owner is responsible for ensuring that buildings or works are carried out in accordance with the requirements of the Building Control/Building Regulations. In relation to the design and construction of buildings, the Building Owner should ensure that adequate resources and competent persons are made available to design, construct, inspect and certify the building works, including the appointment of a competent builder and competent registered professionals to act as Design Certifier and as Assigned Certifier.



## 2.6 Are there new /additional /different certificates and other documents?

- Revised Form of Commencement Notice
- Certificate of Compliance (Design);
- Notices of Assignment of the Builder and the Assigned Certifier
- Certificates of Compliance signed by the Builder and the Assigned Certifier before construction commences
- Certificate of Compliance on Completion
- Ancillary Certificates
- Inspection Plan

Chart 1: Statutory Forms required under BCAR

### Statutory Forms

#### FORM OF COMMENCEMENT NOTICE FOR DEVELOPMENT

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER

UNDERTAKING BY ASSIGNED CERTIFIER

NOTICE OF ASSIGNMENT OF BUILDER

UNDERTAKING BY BUILDER

#### CERTIFICATE OF COMPLIANCE ON COMPLETION

OR

#### FORM OF 7 DAY NOTICE\*

DESIGN CERTIFICATE

NOTICE OF ASSIGNMENT OF ASSIGNED CERTIFIER

UNDERTAKING BY ASSIGNED CERTIFIER

NOTICE OF ASSIGNMENT OF BUILDER

UNDERTAKING BY BUILDER

#### CERTIFICATE OF COMPLIANCE ON COMPLETION

\*The form of 7 Day Notice includes a Statutory Undertaking and the original signed document must be submitted to the Building Control Authority.

## 3. BCAR and Construction Professionals

### 3.1 New roles and duties in Design and Construction Teams

BCAR requires statutory appointments, statutory duties and statutory certificates giving rise to the provision of additional tasks and additional services. Whilst some of these may be undertaken by existing members of a construction team, on some projects additional service providers will be required. The following are the most significant of the new statutory requirements:

### 3.2 Design Certifier (DC)

The 'Design Certifier' (DC) is responsible for carrying out their own design and co-ordinating any design activities of others for the works concerned. The DC completes and signs the statutory "Certificate of Compliance (Design)" at commencement notice stage and thereafter the DC may become an ancillary certifier for any design changes, deferred elements and /or variations that take place to their design.

By statute the DC must be a Registered Building Surveyor, Registered Architect, or a Chartered Engineer. The form of the Statutory Design Certificate is mandatory and the DC must give an unqualified and un-amended certificate that the design complies with the Building Regulations.

Depending on the type of project, it may be appropriate to appoint the design team leader or lead designer / design consultant as the DC.

Certification of design compliance with the Building Regulations, prior to commencement, is a new requirement / process. This involves additional time, documentation and certification by each designer and any specialists involved. The process will need to be planned and managed.

The Regulations by implication envisage at CN stage that full design may not be completed for some elements of the work. Accordingly, there is also a procedure to identify such works in the CN and to submit design changes in relation to those at a later stage, before such work commences. Furthermore, the BCAR envisages that the completed works could differ from the works set out in the CN submission, as prior to the "Certificate of Compliance on Completion" (CCC) stage, it is necessary to "submit plans, calculations, specifications and particulars showing how the completed building will achieve compliance with the Building Regulations." Drawings and documentation for these designs should be submitted before the relevant work commences, with Ancillary Certificates of Compliance from the DC, where appropriate. This process should not be confused with the pre notification procedure.

### 3.3 Assigned Certifier (AC)

By statute the AC must be a Registered Building Surveyor, Registered Architect or a Chartered Engineer.

Depending on the type of project, the Client (Building Owner) and CPMS may consider that the AC should be the same person as the DC, or that an additional or greater level of oversight can be achieved by, in some cases, keeping the AC separate or independent of the lead or other designers. The advantages, disadvantages, benefits and reasons for the decision need to be considered and documented.

Having consulted with the Ancillary Certifiers, the AC prepares a Preliminary "Inspection Plan" and lodges it with the CN on-line to the Building Control Management System (BCMS) including all of the required documentation.

The "Inspection Notification Framework" (INF) is an integral part of the "Inspection Plan" as dealt with in the Code of Practice (CoP).

- The “Inspection Plan” is undertaken by the AC and by named others.
- The Inspection Plan sets out the programme of inspections that the AC must ensure are carried out for the purpose of monitoring key aspects of the construction.

The COP envisages inspections at critical stages. These critical stage inspections are required to be particular to the “works” and to be informed by risk assessments carried out by the relevant certifiers and agreed with the Assigned Certifier (who has primary responsibility for implementation). Appendix 4 contains some examples of inspection stages including elements of work that must not be covered up prior to inspection.

Based on the Inspection Plan, and relying on the Ancillary Certificates scheduled, the building or works are then certified as being in compliance with the requirements of the Second Schedule to the Building Regulations, insofar as these apply to the building or works concerned. The AC signs the (CCC) certifying:

- *“... that the inspection plan ... has been undertaken by the undersigned ... and by others nominated therein, ... in certifying their work in the ancillary certificates scheduled. ”*
- *“Based on the above, and relying on the ancillary certificates scheduled, I now certify... that the building or works is in compliance with the requirements of the Second Schedule to the Building Regulations, insofar as they apply to the building or works concerned.”*

### 3.4 Ancillary certifiers

The BCAR Code of Practice (CoP) envisages that there are likely to be other designers (e.g. Professionals - Building Surveyors, Architects, Engineers) and Specialists. Specialists are envisaged as being;

- Specialist designers
- Competent technical/ trade persons installing products /testing; and /or the Builder,
- Specialist sub-contractors,
- Other sub-contractors (and perhaps sub sub-contractors),
- Suppliers and manufacturers,

However, they must be “*competent persons*” who “*should exercise reasonable skill, care and diligence in the performance of their duties*” when certifying compliance of their work.

Ancillary Certifiers must sign the appropriate certificates as required by the AC and also co-operate with the AC. For the avoidance of delays and other issues at the end of a project, it is important that the specific requirements regarding ancillary certificates are agreed with the Assigned Certifier at the earliest possible time.

Whilst the AC and DC must be one of three named professions (Registered Building Surveyor, Registered Architect or Chartered Engineer), no such requirement is stated under the BCAR in respect of “Ancillary Certifiers”.

Typical examples of Ancillary Certifiers on a project may be building surveyors, architects, structural engineers, fire safety engineers, building services engineers and specialist contractors (such as designers and installers of building services, piling, radon barriers, glazing, façades, roofing, smoke vents etc.). Ancillary Certifiers are required to sign off on their part of the works at design, inspection and completion stages for each element of works, as appropriate.

The CPMS should be cognisant of the importance of BCAR Certificates and other necessary documentation being progressed at regular and timely intervals.

## 3.5 Ancillary Certificate Templates

The construction professional and industry (including the CIF) bodies have developed templates for Ancillary Certificates (available on the SCSi website [www.scsi.ie](http://www.scsi.ie)). The position of these bodies is that:

1. *“Ancillary Certificates have been developed and agreed by the RIAI, ACEI, Engineers Ireland and SCSi to be used by Consultants, Specialists and Unregistered Consultants who have been commissioned to provide professional design services and an appropriate Inspection Plan.”*
2. *Ancillary Certificates have also been “developed by the CIF and agreed by the RIAI, ACEI, Engineers Ireland and SCSi, to be used by Sub-Contractors, Specialist Contractors and Sub-Sub-Contractors who have been assigned to construct, supervise and certify their sub-contract or sub-sub-contract works.”*
3. *“The wording of the Ancillary Certificates cannot be altered without the collective approval of all the organisations by which the Ancillary Certificates have been agreed.”*

Whilst the CPMS cannot be expected to determine what is appropriate he/she needs to be aware of potential issues that can arise if and when, either the AC, DC or an upstream Ancillary Certifier requires particular certification from a downstream Ancillary Certifier as a pre-condition.

## 4. The “Builder”/ Contractor under BCAR

As part of the commencement notice process there is the statutory “Undertaking by the Builder Form of Certificate of Compliance” where the Builder undertakes:

- *that he/she is competent to undertake the works and ensures that any persons employed by him/her will be competent to undertake such works.*
- *to construct the building or works in accordance with all of the various documents relevant to compliance with the requirements of the Building Regulations.*
- *to cooperate with the inspections set out in the inspection plan and agrees to take all reasonable steps so as to ensure that he /she shall certify that the building or works is in compliance with the requirements of the Building Regulations.*

In the CCC the Builder certifies that the building or works, as completed, have been constructed in accordance with all of the documents relevant to compliance with the Building Regulations and that these will be retained by him/her. This is reliant on all of the documents and various certificates provided by others verifying that the works are in compliance with the requirements of the Building Regulations.

Prior to contract award, it is vitally important that the “builder” / contractor confirms he/she is aware of and will comply with all obligations under the relevant legislation together with those set out in the tender/contract documents and in particular the AC’s detailed requirements including inspections and ancillary certificates.

The CPMS should be aware of the Construction Industry Register Ireland (CIRI). This is currently a voluntary Register but expected to become a statutory register for builders/contractors, specialist contractors and tradespersons who carry out construction works. When this becomes statutory such categories will be required to comply with this or an equivalent standard. The mere inclusion of a builder /contractor /specialist contractor on the Register, while compelling evidence of competence, should not be accepted as fully confirming the competency for any particular type of building /works or project. As is accepted good practice, project teams should make further enquiries.

## 5. The “Building Owner” / Client and the Chartered Project Management Surveyor

The Chartered Project Management Surveyor needs to be aware of the Client/ Building Owner’s obligations and duties under BCAR. Building owners normally rely on the CPMS to guide them through the building process. CPMS’s may be an agent, an employee of the building owner, or an employee of a subsidiary or group company or division, or an outside independent project manager/ consultant.

The CPMS needs to be aware that there may be elements of the brief/project to which the Building Regulations do not apply, or that fall outside the relevant section of the Building Control Regulations.

### 5.1 Statutory appointments/forms

The CPMS should;

- a. Ensure that the “Building Owner” has made the necessary statutory appointments and notifications under BCAR.
- b. Be cautious that the CPMS is not inadvertently positioned as being responsible for statutory duties of “Building Owner” and others.

### 5.2 Tender action / procurement

The CPMS needs to be conscious that;

- a. Tendering Contractors need to be fully aware of their obligations under BCAR, that they will comply with these regulations and in particular are in agreement with the “Inspection plan”, signing of statutory documentation, provision of ancillary certificates etc.
- b. It is essential that Builders/Contractors have the appropriate insurances. One of these may be PI insurance in respect of potential design associated risks / liabilities that may arise under BCAR. There may be difficulties for some contractors and specialists in this regard, however the CPMS should obtain the building owner’s approval for any contractor or specialist that does not have his client’s specified insurance.
- c. Adequate/ additional time should be allocated after the receipt of tenders for the BCAR related issues that arise. The relevant members of the project team may need to deal with any issues or items identified or arising in relation to the Preliminary Inspection Plan, including the agreement and acceptance of the Plan by the builder /contractor /relevant certifiers and the AC.
- d. Problems may arise where a tender is accepted / contract awarded prior to verifying and being satisfied that the builder / contractor is in full acceptance of the BCAR process requirements as set out in the tender and contract documents. If there are any issues, then they need to be identified so that any necessary clarification, negotiation, resolution and amendments are dealt with in advance of contract award.



## 6. Project management considerations for Chartered Project Management Surveyor

### a) Planning, programming etc.

Foresight and thought is required by the CPMS when managing a project to which BCAR applies. When undertaking project risk assessments, and contingency planning to facilitate project delivery, the CPMS needs to be aware of the many BCAR issues that can arise. Some of the more critical “programming issues” for the CPMS to be aware of are:

1. That the Assigned Certifier /Design Certifier are appointed prior to the preparation of the commencement notice submission.
2. The “Commencement Notice” must be lodged within the specified time period prior to any works commencing. It is an offence to commence work without a valid commencement notice and this cannot be issued retrospectively.
3. Certain statutory appointments and significant documentation must now be lodged with a “Commencement Notice”.
4. It is an offence to open, use or occupy a building that requires a “Certificate of Compliance on Completion” prior to it being validated and entered on the “Register” by the Building Control Authority (BCA).
5. The avoidance of potential bottlenecks and ransoms is also important. This is particularly so at the completion stage.
6. The CCC is reliant on appropriately verified documentation such as ancillary certificates, the inspection plan and test certificates from relevant third parties
7. One of the most critical aspects of managing a successful project will be ensuring that the AC is collating all of the necessary documentation and certificates at the earliest possible opportunity, as each element / stage of the project progresses.
8. It is essential that all Ancillary Certificates and outstanding documentation should be followed up and uploaded as set out in the CoP so as to avoid or minimize bottlenecks in the final weeks of a project.
9. Depending on the size /complexity of a project, it may be wise to plan that all relevant outstanding information is uploaded in accordance with the requirements of the CoP.
10. In some cases careful consideration of the definition or description of the “works”, phased commencements, phased completions etc. might assist.
11. Consideration should be given to the process outlined in the CoP for prior notification of completion and ‘Nominated date’ for Registration of Certificates.

### b) When procuring consultants, the CPMS should;

- Allow sufficient time for procuring the necessary project team.
- Ascertain at tender stage that all tender applicants are conversant with BCAR and are aware of their legal responsibility to comply with BCAR and in particular to sign and deliver certificates.
- Make the Client / Building Owner aware that the design, construction and other professionals, such as the AC /DC, need to be in place before a commencement notice can be lodged.

### (c) A COMMENCEMENT NOTICE including all associated documentation must be lodged no less than 14 days and no more than 28 days prior to works commencing on site. A 7 day notice must be lodged at least 7 days before work commences on site.

**(d) When preparing and issuing tender documentation, it is always advisable to include all references to the building contractor as the 'Builder' as named in the BCAR legislation.**

**(e) The CPMS, the AC and Inspection Plans**

The Preliminary/ "Inspection Plan" needs to be developed initially by the AC in conjunction with the design team certifiers and the DC. It is then incorporated into the tender documents. Later the "Inspection Plan" should be agreed between the AC and the Builder; and likewise the details of tests, inspections, appropriate wording of certificates etc. Appendix 4 contains examples of key inspection stages.

Generally, the CPMS needs to:

- o Have sight of the agreed Inspection Plan so as to verify its existence and appropriate dissemination;
- o Liaise with and be in regular contact with the AC;
- o Receive regular reports from the AC;
- o Be informed of any changes to the Inspection Plan schedule or any issues regarding programmes / ancillary certificates;
- o Include appropriate BCAR items in meeting agendas, minutes etc.;
- o Be cognisant of whether or not the AC is carrying out his or her duties in alignment with the inspection plan and also that others are carrying out their duties with other professionals involved in the project.

**(f) During the construction stage**

The CPMS's role would be an overseeing / monitoring brief. It is important that he should

- o Monitor that the AC is fulfilling his/her duties during the course of the project.
- o Be aware of parties that are not cooperating in the process.
- o Consider raising other questions such as;
  - Are suitable plans (inspections etc.) being developed and carried out?
  - Can it be achieved within time/budget?
  - identify any potential bottlenecks or time or cost issues that might arise and take appropriate action.

**(g) During all stages:**

A control list/schedule of certificates that is required would be a useful management tool/document for the CPMS as this will assist in identifying what certificates are to be provided. It is important to record the date that the certificates are required and the date that these certificates were actually received and any still outstanding. This should be reviewed at regular meetings.

## 7. Communications

The CPMS considers key deliverables and target dates in any project. Meetings are an important communications and management tool.

The CPMS may need to:

- Monitor how the appropriate BCAR documents /submissions are progressing (in the same way as fire safety certificates, health & safety and planning appeals);
- Confirm whether documents are ready to lodge;
- Confirm /record dates when applications have been lodged /acknowledged /accepted;
- Consider specially convened meetings for BCAR;
- Ensure correct calculation of valid commencement date i.e. The Commencement Notice must be served no less than 14 days and no more than 28 days prior to works commencing on site, unless 7 DAY NOTICE applies and a valid Fire Certificate notice is submitted.
- Ensure that the Client is aware that the building is not to be occupied or used by the Building Owner, in advance of a valid CCC.
- Ensure there is appropriate communication with the Building Control Authority (BCA) where this is needed (e.g. in the case of on-site inspections by Building Control inspectors)

## 8. Commencement Notices

The CPMS needs to be aware that;

- There is no provision in the regulations for;
  - amending a commencement notice;
  - retrospectively submitting a commencement notice.
- If work has not commenced and time is available a new commencement notice could possibly be submitted.
- Likewise, if a new stage of the project has not commenced such as fit out of shell and core, then that might be considered to be a separate project for which a new commencement notice could be submitted affecting the required amendments /revisions.
- In the event that the AC or the Builder is no longer in that role or their replacements are nominated by the Client, in some circumstances a new CN may be required in addition to new appointments, all in consultation with the BCA.
- The various statutory certificates/ notices require a description of the “building or works”, and or the “proposed development”.

The CPMS also needs to be aware that;

- It is important to carefully consider the wording of the "Description of proposed development" on the CN, so as to facilitate particular requirements of the project.
  - Generally, it is desirable to obtain the CCC, at the earliest possible date. This may enable “partial possession” by the client and the continuation of client fit-out or equipping works, provided that it is fully compliant with the regulations.
  - Some mechanical and electrical installations associated with equipment, plant and machinery forming part of the users manufacturing /business process may also not be essential for CCC under BCAR, but can be quite substantial.
  - A commencement notice should be filed electronically on the Building Control Management System (BCMS) as set out in the form for that purpose entitled ‘Form of Commencement Notice for Development’.
  - Although classed as a single Commencement Notice, the BCMS system provides for three options regarding the submission of the CN.
    - a) The form of CN as provided for under BCAR with all of the prescribed forms of notice, undertakings, certificates and supporting documentation. This is referred to as Commencement Notice with documentation on the BCMS system.

OR

    - b) Alternatively, sometimes referred to as ‘short form’ of commencement notice. The shortened lodgement requirements does not need the same level of detail of supporting documentation, and does not invoke the full requirements of BCAR. This is referred to as Commencement Notice without documentation on the BCMS system.
    - c) Commencement Notice with Opt-out of statutory certification. This option is only for single domestic buildings or larger domestic extensions.
- (A) A ‘Short Form’ Commencement Notice may be submitted for certain categories of development: e.g. A Material Alteration of Shops, Offices or Industrial Units provided that a Fire Safety certificate is NOT required.
- (B) an extension to a dwelling involving a floor area less than 40 square metres.

A determination on the correct form of CN needs to be made by the Project Designer; e.g.;

- Some fit outs of existing premises may /may not require a fire safety certificate (FSC), therefore a determination needs to be made by the Client on the advice of the AC/DC as to the need for a CN and whether or not BCAR is applicable.
- Avoid confusion in relation to “completion” in terms of the Certificate of Compliance on Completion under CCC, as required for BCAR, with that of Practical Completion referred to in Building Contracts.
- There is also the option to consider wording a CN to indicate that there will be phased completion of the works. BCAR Code of Practice envisages and provides for the issuing of multiple CCCs.
- It is important that the wording of the CCC is consistent with the description used for the “building or works”, and/ or the “proposed development” as stated in the relevant CN. The CCC describes what is actually being certified.
- Careful consideration is required when deciding the wording required in the CCC prior to entering the description of the “works” in a CN, so as to avoid or minimise any potential issues that could arise at completion.

# APPENDIX 1

## Exemptions from the Building Control (Amendment) Regulations

An extract from S.I. No. 496 of 1997 Art 6:

"b) works in connection with—

- (i) a Garda station or other building used for the purposes of or in connection with the operations of An Garda Síochána,
- (ii) a courthouse,
- (iii) a barrack or other building used for the purposes of or in connection with the operations of the Defence forces,
- (iv) an office or other building used for the purposes of or in connection with the business of Uachtarán na Éireann, Dail Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions,

(c) works, or a building as regards which a material change of use takes place, where the works are carried out or the material change of use is made, for reasons of national security—

- (i) within, or bounding, the curtilage of any building (other than a building referred to in paragraph (b)), premises or other installation occupied by, or under the control of, a State authority,
- (ii) by or on behalf of a State authority, within, or bounding, the curtilage of the residence of a holder, or former holder, of a public office or any other public servant or former public servant."



# APPENDIX 2

## BCAR Checklist (construction stage)

### Commencement Notice (CN) or 7 Day Notice in lieu:

- Confirmation of lodgement date.
- Notification of acceptance or rejection by Building Control Authority.

### Inspections:

- Inspection Plan in place and up to date.
- Any notifications required?
- Are inspections taking place as per inspection plan?
- Are reports/results of inspection being recorded and reported?
- What are the consequences of
  - o An inspection being overlooked?
  - o Inspector Certifier failing to attend on the programmed or required inspection date to enable work to be closed in and covered up?
- Management of inspection failure and remedial work issues?
- Follow-up procedures to check that previously noted non-compliance issues have been corrected and or satisfactorily resolved.
- Tests: Any tests that may be required by the assigned certifier and or any ancillary certifiers need to be identified, considered and clearly specified in tender/contract documentation and should also be provided for in programmes.
- Is there any absence of test reports /certs from some specialist contractors?
- Obtain test certs at the earliest possible point in time to avoid delays at end.

### Ancillary Certification:

- Ensuring that the assigned responsibilities are contractually complied with.
- Certification is also linked or dependent upon inspections / satisfactory testing taking place.
- Have certificates and supporting documentation been provided for work packages that have been completed?
- What Certificates are outstanding?
- Obtain certs at the earliest possible point in time to avoid delays/ oversight at end.

### Certificate of Compliance on Completion:

- Is building completion documentation uploaded on BCMS?
- Determine nominated date of completion
- Notification of registration or rejection by Building Control Authority?
- Remedial action and re-submission for Completion Certificate.

# APPENDIX 3

## Suggested Programme Stages

### Commencement Stage

Submission of:

- Commencement Notice.
- Notice of Assignment of Assigned Certifier.\*
- Form of Design Certificate.
- Notice of Assignment (Builder).\*
- Preliminary Inspection Plan (AC /Builder).
- Fire Safety Certificate Application.
- Disability Access Certificate Application (where required).

*\*must be all signed by the Building Owner (the person who has commissioned or paid for the works and who has legal entitlement to have such works carried out on their behalf).*

Verification of the above.

### Construction Stage

- AC must oversee the implementation of the Inspection Plan.
- Inspections, testing etc. by all persons providing Ancillary Certificates.
- Compilation of records, ancillary certificates etc.
- Notification to BCA of any change in Building Owner, Assigned Certifier, Builder.
- Obtain, Disability Access Certificate where required;

### Completion Stage

Certificate of Compliance on Completion - submission / uploading of:

- Various documents, drawings, ancillary certificates etc. prior to the CCC.
- Certificate of Compliance on Completion signed by the Assigned Certifier and the Builder complete with plans, calculations, ancillary certificates, specifications and inspection plans.

Validation /registration of CCC above by the BCA

*NB: The Certificate of Compliance on Completion (CCC) must be validated and registered by the Building Control Authority before the building it relates to may be opened, used or occupied.*

## Appendix 4

### An example of Key Inspection Stages

#	Project Stage	Start Date	Finish Date
0	Commencement		
1	Site Set-Up		
2	Enabling Works		
3	Bulk Excavation		
4	Piling		
5	Pile Caps		
6	Backfilling		
7	Basement/ Tanking/ DPC		
8	Underground Services		
9	Blinding		
10	In-situ Concrete (RC Walls)		
11	Oversite - Externals		
12	Oversite - Internal Slabs		
13	Steel Structure		
14	Suspended Slabs		
15	Precast Stairs		
16	Roof Finishes		
17	Façade/ Glazing		
18	Building Weathering		
19	Pre Plaster		
20	Plaster - Walls		
21	Pre-Architrave		
22	1st Fix Mech & Elec		
23	False Ceiling		
24	Final Fix Mech & Elec		
25	Secondary Steel & Balustrades		
26	Building Access		
27	Commissioning		
28	Pre-Completion		
29	Completion		
30	Landscaping		
31	Common to all Stages		
32	Façade Repairs		

## Appendix 5

# Some Information Sources/ Resources:

### Publications:

Works; issued by Department of Environment, Community and Local Government.

1. Code of Practice for Inspecting and Certifying Buildings and Works (September 2016)
2. BCA Framework Document
3. Office of Government Procurement: GUIDANCE NOTE 1.1.1: Building Control (Amendment) Regulations 2014 Procurement Implications for Contracting Authorities; 6 March 2014
4. SCSi Consumer Guide - An owner's guide to the Building Control (Amendment) Regulations.

### SCSi CPD:

CPD presentations on Building Regulations and Building Control:

SCSi members can access these as follows;

[www.scsi.ie/education/cpd/cpd\\_webcasts\\_presentations](http://www.scsi.ie/education/cpd/cpd_webcasts_presentations)

### Legislation:

1. SI No. 9 of 2014. Building Control (Amendment) Regulations 2014
2. SI No. 105 of 2014
3. SI No. 365 of 2015
4. SI No. 496 of 1997
5. SI No 497 of 1997

### SCSi Professional Guidance

1. Managing the Design Delivery, SCSi, 2013
2. Appointing a Project Manager, SCSi, 2013
3. Building Surveys and Technical Due Diligence of Commercial Property, SCSi, 2015
4. E-tendering, SCSi, 2015
5. Guide to Life Cycle Costings, SCSi, 2012
6. Project Execution Plan, SCSi, 2014
7. Project Management Conditions of Engagement, SCSi, 2014

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