

## **BUILDING CONTROL (AMENDMENT) REGULATIONS 2009**

Most pertinent points:

- Revised Fire Safety Certificate process (1 to 3 below) came into effect on the 1st October 2009.
- Work can commence before the issue of a FSC if a "7 day notice" is submitted along with an application for a Fire Safety Certificate (FSC).
- Disabled access certificates (4 below) are required for any building to which Part III of the Building Control Regulations 1997 applies (i.e. any building which would require a FSC) from 01<sup>st</sup> January 2010.

### **Standard Fire Safety Certificate (FSC)**

Any building to which Part III of the Building Control Regulations 1997 applies continues to require a FSC.

**Fees for application of a standard Fire Safety Certificate are min €125, or €2.90 /m<sup>2</sup>, whichever is greater, with max fee €12,500.  
(i.e. standard Fire Safety Certificate fee).**

**The Building Control (Amendment) Regulations 2009 introduce the following four new application processes:-**

#### **1) Revised Fire Safety Certificate**

The Regulations provides for Revised Fire Safety Certificates

(i) where an original FSC was submitted/obtained prior to grant of planning and where a revised design arises as a consequence of the planning permission;

or

(ii) where significant revision is made to the design or works (inc. extension, material alteration, change of use) of a building subsequent to the grant of a FSC for that building.

**Fees for Application of a Revised Fire Safety Certificate are min €125, or €2.90 / m<sup>2</sup>, whichever is greater, with max fee €12,500.  
(i.e. same as for standard Fire Safety Certificate fee).**

#### **2) 7 Day Notice**

A '7 Day Notice' may be submitted to a Building Control Authority (BCA) where commencement of work is imminent. This must be accompanied by a valid FSC application, together with a 'Statutory Declaration' in respect of the completeness and validity of the FSC; and an undertaking to carry out any necessary modifications to works as may be required by the FSC, when granted. This will facilitate developers who wish to start work on urgent projects, without waiting for the FSC application to be processed. However the applicant must not commence work until the BCA confirms that the '7 Day Notice' is valid.

**Fees for submission of a 7 Day Notice are min €250, or €5.80 / m<sup>2</sup>, whichever is greater, with max fee €25,000.  
(i.e. 2 x standard Fire Safety Certificate fee).**

### **3) Regularisation Certificate**

A Regularisation Certificate is required where works have been carried out (i.e. commenced or completed) to a building (inc. extension, material alteration, material change of use) which doesn't have either a FSC or where a '7 Day Notice' has not been submitted. An application for a Regularisation Certificate must be accompanied by 'as constructed' drawings and a 'Statutory Declaration' that the works are in compliance with Part B (fire safety requirements) of the Building Regulations. Regularisation Certificates will not have effect unless any conditions attached and/or any additional works required by the BCA have been carried out within a period of 4 months.

**Fees for Application of a Regularisation Certificate are min €500, or €11.60 /m<sup>2</sup>, whichever is greater, with max fee €50,000.  
(i.e. 4 x standard Fire Safety Certificate fee).**

### **4) Disability Access Certificate or Revised Disability Access Certificate (with effect from 1st January 2010)**

Any building to which Part III of the Building Control Regulations 1997 applies (i.e. any building which would require a FSC) requires a Disability Access Certificate of Compliance with respect to Part M (Access for People with Disabilities) of the Building Regulations.

A Revised Disability Access Certificate is required where significant revision is made to the design or works (inc. extension, material alteration, change of use) of a building subsequent to the grant of DAC for that building.

**Fees for Application of a Disability Access Certificate or a Revised Disability Access Certificate are €800 per building.**

#### **Important Note:**

The new regulations state that a building that requires a Fire Safety Certificate, Revised Fire Safety Certificate, Regularisation Certificate, Disabled Access Certificate or Revised Disabled Access Certificate shall not be opened, operated or occupied unless the relevant Cert is granted by the BCA.

Failure to comply with these requirements is a prosecutable offence under the Building Control Act 2007.