



STATUTORY INSTRUMENTS.

S.I. No. 113 of 2020

BUILDING CONTROL REGULATIONS 2020

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I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 6, and subsection (3) of section 7, of the Building Control Act 1990 (No. 3 of 1990) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Building Control Regulations 2020.

(2) The Building Control Regulations 1997 to 2018 and these Regulations may be cited together as the Building Control Regulations 1997 to 2020.

2. In these Regulations –

“material change of use” has the meaning assigned to it by the Principal Regulations;

“Principal Regulations” means Building Control Regulations 1997 (No. 496 of 1997);

“relevant period” means the period commencing on 13 March 2020 and ending on the day on which Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1 of 2020) ceases to have effect by virtue of subsection (3) of section 2 of that Act;

“State authority” means –

(a) a Minister of the Government, or

(b) the Commissioners of Public Works in Ireland.

3. (1) Parts II, III, IIIA (other than Article 20C), IIIB and IIIC and Article 43 of the Principal Regulations shall not apply in relation to –

(a) works consisting of, or in connection with, the construction, extension, alteration, repair, or renewal of a building of a class specified in Schedule 1 carried out and completed during the relevant period by, or on behalf of, a State authority, or

(b) a material change of use to use as a building of such a class during the relevant period by, or on behalf of, a State authority.

(2) Subject to paragraph (3), Article 20C of the Principal Regulations shall apply in relation to works referred to in paragraph (1) as if “shall, not later than 12 months from the expiration of the relevant period (within the meaning of the Building Control Regulations 2020),” were substituted for “shall”.

(3) Article 20C of the Principal Regulations shall not apply to works in relation to a building to which paragraph (1) applies if the building is demolished or removed before the expiration of 12 months from the end of the relevant period.

4. (1) The Principal Regulations shall not apply in relation to a material change of use of a relevant building to the use for which it was used immediately before the material change of use referred to in subparagraph (b) of paragraph (1) of Regulation 3.

(2) In this Regulation “relevant building” means a building to which a material change of use referred to in subparagraph (b) of paragraph (1) of Regulation 3 applies.

5. (1) Where works referred to in Regulation 3 are carried out by, or on behalf of a State authority, during the relevant period the State authority shall, not later than 28 days after the commencement of those works, serve a notice (in these Regulations referred to as a “works (Covid-19 crisis) notice”) in the form specified in Schedule 2 on the building control authority within whose functional area those works are carried out.

(2) A works (Covid-19 crisis) notice shall be accompanied by a declaration in the form specified in Schedule 3 made by the State authority concerned.

(3) A building control authority upon which a works (Covid-19 crisis) notice and declaration referred to in paragraph (2) is served shall –

- (a) if satisfied that the works (Covid-19 crisis) notice and declaration are in the proper form and contain the information required by these Regulations to be provided in that form, notify the State authority in writing that the State authority has complied with paragraphs (1) and (2), or
- (b) if not so satisfied, request the State authority to provide such information to the building control authority as it may reasonably require for the purposes of these Regulations.

(4) A building control authority that has made a request in accordance with subparagraph (b) of paragraph (3) shall, upon receipt of the information requested, notify the State authority in writing that the building control authority is satisfied that the State authority has complied with paragraphs (1) and (2).

SCHEDULE 1

(Regulation 3)

CLASSES OF BUILDING FOR PURPOSES OF REGULATION 3

1. Acute and other health and social care accommodation.
2. Self-isolation short stay accommodation.
3. Covid-19 and other step down accommodation.
4. Medical testing centre or laboratory.
5. Emergency management coordination facilities.
6. Mortuary facilities.
7. Other accommodation or buildings ancillary to the classes of building referred to above, including storage facilities.

SCHEDULE 2

(Regulation 5(1))

WORKS (COVID-19 CRISIS) NOTICE**(Notice to a Building Control Authority pursuant to Regulation 5(1)
of the Building Control Regulations 2020)**

Building Control Authority: _____ Unique Identifier:_____
 (for official use only)

Date of receipt: _____

1. I / We, _____, hereby give notice in accordance with Regulation 5(1) of the Building Control Regulations 2020 that it is intended to carry out the works and / or Material Change of Use (hereinafter referred to as “development”) as described below, by or on or behalf of _____(State authority):

Name of State authority (or organisation acting on behalf of the State authority): _____

Address: _____

Eircode: _____

Name of Contact Person: _____

Telephone: _____

Email: _____

2. Project Particulars:

Description of the proposed development: _____

Location of the proposed development: _____

Number of existing buildings to which this notice relates: _____

Number of new buildings to which this notice relates: _____

Use of buildings: _____

3. Builder(s):

Works:

Name:

Address:

Eircode: _____

Telephone: _____

Email: _____

Construction Industry Register Ireland Registration No. (where applicable):_____

4. Building Designer(s):

Works:

Name: _____

Address: _____

Eircode: _____

Telephone: _____

Email: _____

Practice Registration No. (where relevant): _____

5. Signature

Signature of Contact Person: _____

By or on behalf of _____ (State authority). Date: _____

Note: This Notice is required to be accompanied by the **DECLARATION TO ACCOMPANY WORKS (COVID-19 CRISIS) NOTICE.**

SCHEDULE 3

(Regulation 5(2))

DECLARATION TO ACCOMPANY WORKS (COVID-19 CRISIS) NOTICE

Declaration of intention to carry out Works or a Material Change of Use, in response to the Covid-19 crisis, in accordance with the Building Regulations

Building Control Authority _____ Unique Identifier: _____

(for official use only)

1. This declaration relates to the following works or a building as regards which a material change of use takes place:

2. I /we _____ on behalf of _____ (State authority organisation acting on behalf of the State authority) hereby declare that works referred to above (being works or a building as regards which a material change of use take place, carried out in response to the Covid-19 crisis as set out in Regulation 3 of the Building Control Regulations 2020) will have adequate oversight, supervision, inspection and certification procedures in place to be carried out by competent persons to ensure that they are designed and constructed in accordance with the relevant applicable requirements of the second schedule to the Building Regulations 1997, having due regard to any dispensation or relaxation in respect of, or which is relevant.

Signature of Contact Person: _____ **Date:** _____

Name of State authority or organisation acting on behalf of the State authority:

Address: _____

Eircode: _____

Name of Contact Person: _____

Tel: _____

Email: _____



GIVEN under my Official Seal,
3 April, 2020.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

The purpose for which these Regulations are made is to provide that temporarily, certain provisions of the Building Control Regulations 1997 (No. 496 of 1997) shall not apply in relation to works that are being carried out in response to COVID-19 and to provide for a new notification process in respect of those works.

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