



Guide to Commencement Notices

1. What are the Building Regulations?

The Building Regulations are a set of legal requirements for the design and construction of new buildings, extensions and material alterations to, and certain changes of use of, existing buildings. In relation to buildings, the Building Regulations provide for, the health, safety and welfare of people, conservation of fuel and energy, and access for people with disabilities.

2. What are the Building Control Regulations?

The Building Control Regulations are further Regulations that promote observance of the Building Regulations by supplementing powers of inspection and enforcement given to Building Control Authorities. They apply to new buildings, extensions, material alterations and changes of use of buildings.

The Building Control Regulations regulate:

- Commencement Notices & 7 Day Notices
- Fire Safety Certificates, Revised Fire Safety Certificates and Regularisation Certificates
- Disability Access Certificates and Revised Disability Access Certificates
- Maintenance of Registers
- Fees
- Statutory registration of building control activity

Where a Commencement Notice is required by the Building Control Regulations, failure to submit the Commencement Notice is an offence and will have serious consequences, which cannot be regularised at a later date.

You may have difficulties in selling your property if you cannot prove that the statutory requirements relevant to the property have been met.

3. What is a Commencement Notice?

A Commencement Notice is a notification to the Building Control Authority from a person who intends to carry out works, or, a material change of use, to which the Building Regulations apply.

The Commencement Notice must be submitted to the Building Control Authority [on-line <https://www.localgov.ie/en/BCMS/>][see Q.6] **not more than 28 days and not less than 14 days before the commencement** of works or the change of use.

4. What developments require a Commencement Notice?

A Commencement Notice is required for the following:

- the erection of a building;
- a material alteration of a building;
- an extension to a building;
- a material change of use of a building;
- works in connection with the material alteration (excluding minor works) of a shop, office or industrial building where a Fire Safety Certificate is not required

to which the Building Regulations apply

5. What developments do not require a Commencement Notice?

A Commencement Notice is **not** required for works or a material change of use in respect of which:

- planning permission **AND** a Fire Safety Certificate are **not** required;
- a 7 Day Notice has been submitted accompanying a Fire Safety Certificate application;
- the Building Regulations do not apply

6. How do I submit my Commencement Notice?

A new **national** Building Control Management System [BCMS] is now in place.

You should submit your Commencement Notice [and the additional documentation where necessary, see Q.11] online via the BCMS. Please refer to www.localgov.ie/en/BCMS

Where the additional requirements apply [see Q.9], you must complete an **online** assessment, using the BCMS, before the Commencement Notice is submitted.

7. What is the BCMS?

The Building Control Management System, **BCMS**, is the **national online system**, hosted by the Local Government Management Agency at www.localgov.ie/en/BCMS/, developed to facilitate the electronic administration of Building Control matters by Building Control Authorities as the **preferred means of Building Control Administration**.

8. How do I register as a customer on the BCMS?

If you are a new customer to the BCMS and want to submit a notice you will need to Register as a customer.

Please refer to www.localgov.ie/en/BCMS

Registration consists simply of giving your name and email address. When you enter your details you immediately get a return email giving you a unique BCMS ID Code.

After you register for the first time, you can use this BCMS ID Code every time you use the BCMS.

If your development consists of works as listed in Q. 9 below, **additional requirements will apply**.

Statutory Certificates and additional documentation needs to be completed **online** and submitted via the national Building Control Management System [BCMS].

9. What Commencement Notices do the Additional Requirements apply to?

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.

The additional requirements apply to Commencement Notices in respect of the following works:

- (a) Construction of a dwelling
- (b) Extension of a dwelling by more than 40 square metres
- (c) Works or a change of use for which a Fire Safety Certificate is required

10. Do the Additional Requirements apply to all Commencement Notices?

No. The additional requirements only apply to the works listed in Q.9 above.

(Where a Commencement Notice **is** required (see Q.4 above) but additional requirements are **not** required (see Q.9 above) a “Commencement Notice without Documentation” must be submitted and recorded online via BCMS.)

Note: Owners of works involving the construction of a new dwelling, on a single unit development, or of a domestic extension, have the option of an alternative process to partially “Opt Out of Statutory Certification”, see Q.12 below.

11. What are the additional requirements referred to in Q. 8 and Q. 9 above – where “Opt Out” is not applicable or has not been chosen by the owner. (for “Opt Out” see Q 12 & Q 13 below)

A Commencement Notices with Documentation must be accompanied by the following information/items:

- a completed online assessment, using the BCMS, of the proposed approach to compliance with the Building Regulations
- Certificate of Compliance (Design)
- Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier);
- Certificate of Compliance (Undertaking by Assigned Certifier);
- Notice of Assignment of Builder
- Certificate of Compliance (Undertaking by Builder);
- a preliminary inspection plan prepared by the Assigned Certifier

- Plans, calculations, specifications and particulars, which outline how the works will comply with all Building Regulations, including general arrangement drawings;
- A schedule of design documents currently prepared or to be prepared at a later date,
- Any other documents deemed appropriate by the Assigned Certifier

- Such fee as is required under Part V

- a Certificates of Compliance on Completion (required when the development has been completed and prior to occupancy)

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.

12. Opt Out –

Are there any alternative options available to owners where the additional requirements apply?

Yes. With effect from 1st September 2015 the owners of new single dwellings, on a single development unit, or a domestic extensions may choose an alternative process to that outlined at Q.11 above when submitting a Commencement Notice.

This alternative process provides the owner with the facility to opt out of the requirement to obtain statutory certificates reliant on the services of a registered construction professional by completing an opt out declaration entitled “*Declaration of Intention to Opt Out of Statutory Certification*”.

13. What documents/items must accompany my application if I chose to “Opt Out” of the statutory Process - where the option to “Opt Out” is applicable to my proposed works

A Commencement Notices with Opt out of Statutory Certification must be accompanied by the following information/items:

- a completed online assessment, using the BCMS, of the proposed approach to compliance with the Building Regulations
- Notice of Assignment of Builder
- Declaration of Opt Out form
- A schedule of design documents currently prepared or to be prepared at a later date
- Plans, calculations, specifications and particulars, which outline how the works will comply with all Building Regulations, including general arrangement drawings;
- Such fee as is required under Part V

Note: Where the owner chooses to Opt out of Statutory Certification, a Certificate of Compliance on Completion is not required on completion of the development or prior to occupation or use of the building.

Further information on the Opt Out process of Statutory Certification is available on BCMS at:

<https://www.localgov.ie/sites/default/files/optoutusersguide.pdf>

14. What functions can one complete on the BCMS?

You can complete the following tasks online using the BCMS:

- Create a new Commencement Notice Application in respect of the works or material change of use
- Enter the Project Details & Project Particulars
- Nominate the Designer and Builder for the development works
- Download the Commencement Notice that contains the details entered on the BCMS [the BCMS populates the relevant fields in the Commencement Notice], for signing
- Upload the signed Commencement Notice to the BCMS [once the Commencement Notice is signed by the Building Owner it can be scanned for Uploading purposes]
- Download the Declaration of Intention to Opt Out of Statutory Certification
- Upload the completed Declaration of Intention to Opt Out of Statutory Certification
- Pay the Commencement Notice fee via the online Payments facility*

- * Where the fee exceeds your Credit/Debit Card limit you must contact the Building Control Authority to make alternative payment arrangements

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.

For works where the additional requirements apply [see Q.9], **in addition to the tasks listed above**, you can also complete the following additional tasks online using the BCMS :

- Nominate the Assigned Certifier for the development works
- Complete the online assessment of the proposed approach to compliance with the Building Regulations through the BCMS
- Download the Notices of Assignment, Undertakings/Certificates of Compliance that contain the details entered on the BCMS [the BCMS populates the relevant fields], for signing
- Upload the signed Notices of Assignment, Undertakings/Certificates of Compliance to the BCMS [once the Notices of Assignment, Undertakings/Certificates of Compliance are signed by the Building Owner/Designer/Builder/Assigned Certifier they can be scanned for Uploading purposes]
- Upload plans, specifications, particulars, and the preliminary inspection plan to the BCMS

Each party namely the Owner, Designer, Builder and Assigned Certifier must be registered with the BCMS to fill in or sign their respective parts.

15. What is an Assigned Certifier?

An Assigned Certifier is a competent registered professional who undertakes to inspect the works during construction and to provide certification of compliance on completion.

You should check your Assigned Certifier's registration to ensure that they are entitled to sign certificates of compliance.

16. Who can act as an Assigned Certifier?

An Assigned Certifier must be one of the following:

- an Architect named on a register maintained pursuant to Part 3 of the Building Control Act, or
- a Surveyor named on a register maintained pursuant to Part 5 of the Building Control Act, or
- an Engineer named on a register maintained pursuant to Section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969

17. Can I build my own house myself, or, by direct labour?

Yes. You may appoint yourself as the Builder, if you believe you are competent to carry out that role and sign the Certificate of Compliance (Undertaking by Builder). As the builder, you are responsible for compliance with the Building Regulations.

You must appoint an Assigned Certifier to inspect the works during construction and you must also sign the Certificate of Compliance on Completion (unless you have chosen the Opt Out of Statutory Certification option, see Q.12)

18. As an owner, how can I appoint a competent builder?

A competent person may generally be regarded as a person who possesses sufficient training, experience, and knowledge to enable them to undertake the project tasks they are required to perform having regard to the nature of the project and its scale and complexity.

Competence can be verified, for instance, by reference to involvement on previous similar projects. One way of choosing a competent builder is to select a builder included on the Construction Industry Register Ireland (CIRI). Further details may be found on www.ciri.ie

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.

19. Who is responsible for compliance with the Building Control Regulations?

The Owner of the building, the Designer who designs the works and the Builder who carries out the works are responsible, under law, for compliance with Building Regulations and Building Control Regulations.

20. What happens if I do not start work on the nominated commencement date set out in the Commencement Notice?

If the works do not start on the nominated commencement date set out in your Commencement Notice, you must submit a new Commencement Notice prior to the commencement of any works taking place.

21. What happens if I don't submit my Commencement Notice?

Failure to submit a Commencement Notice in respect of works where it is required by the Building Control Regulations [See Q.4] is an offence. If you commence works or a material change of use in the absence of a Commencement Notice, there is no provision to retrospectively submit a Commencement Notice.

Furthermore, for works, in respect of which the additional requirements apply [See Q.9], the Building Control (Amendment) Regulations 2014 require you to submit a Certificate of Compliance on Completion. If you do not submit the necessary Commencement Notice and additional documentation:

- you will be unable to submit a Certificate of Compliance on Completion;
- your building will not be recorded on the statutory register
- **the works or building may not be opened, occupied or used**

22. Can I still submit my Commencement Notice at my local County Council offices?

Yes

However, should you wish to submit your Commencement Notice at your local County Council offices **please note** the following:

- you must still complete the online assessment of the proposed approach to compliance with the Building Regulations, on the BCMS, for a Commencement Notice where the additional requirements apply [see Q.9],
- you will be charged **Additional Administration charges** [in addition to the Commencement Notice fee] by the Building Control Authority for scanning and/or uploading documentation on the BCMS
- statutory deadlines relating to the Commencement Notice may be delayed by up to seven days

23. What is the Fee for a Commencement Notice?

The fee for a Commencement Notice is €30, or where the Commencement Notice relates to multiple buildings, €30 in respect of each building.

Additional Administration charges will be imposed by the Building Control Authority for processing Commencement Notices [and supporting documentation where required, See Q.9] which are not submitted online via the BCMS.

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.

24. What is a 7 Day Notice?

A 7 Day Notice is similar to a Commencement Notice but is used for works, which require a Fire Safety Certificate, when the works need to start before the Certificate is granted.

A 7 Day Notice must be accompanied by a valid Fire Safety Certificate application and a Statutory Declaration.

After the 1st March 2014, the additional requirements which apply to certain Commencement Notices [See Q.11] also apply to 7 Day Notices.

The fee for a 7 Day Notice is €250 or €5.80 per square metre of applicable floor area (whichever is the greater).

25. What is a Certificate of Compliance on Completion?

For works or a material change of use in respect of which the additional requirements apply [see Q.9], a Certificate of Compliance on Completion must be lodged with the Building Control Authority and placed on the public register before the building may be opened, occupied or used. (not required for Opt Out of Statutory Certification option)

The Certificate of Compliance on Completion must be signed by the Assigned Certifier and the Builder.

The Certificate of Compliance on Completion certifies that the building or works have been carried out in accordance with the Building Regulations.

26. What happens if I change my Builder or Assigned Certifier during the construction works?

The owner of the building must notify the Building Control Authority within 14 days of such changes and must submit new Notices of Assignment and Undertakings. Failure to do so is an offence.

27. What happens if ownership of the building or works changes during construction?

Under the new Regulations, the new owner of the building must notify the Building Control Authority within 14 days, in writing. Failure to do so is an offence.

28. Where can I get more information?

You can get more information by visiting the Department of the Environment, Community & Local Government website <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

You may also refer to the *Code of Practice for Inspecting and Certifying Buildings and Works* published by the Minister for the purposes of providing guidance with respect to inspecting and certifying a building or works for compliance with the requirements of the Second Schedule to the Building Regulations.

Note: This guidance provides general advice and is intended as a practical guide. It is not a definitive legal interpretation of Building Control legislation and should not be considered as such. For more information you should consult with your Technical Advisor.