

**DRAFT**

**Building Control System**

# Code of Practice

for Inspection and Certification

27<sup>th</sup> July 2012

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## 1. Introduction

### 1.1 Purpose of Code

Building Control Regulations provide for matters of procedure, administration and control for the purposes of securing the implementation of, and compliance with, the certification and inspection requirements of the Building Regulations.

This code of practice gives practical guidance on relevant statutory provisions for certification and inspection of building works as required under the Building Control Regulations.

The code sets out standards and procedures that should be adhered to by:

- Building owners
- Designers
- Builders
- Certifiers
- Building Control Authorities
- Building materials and component manufacturers

### 1.2 Application

The code covers inspection and certification aspects of the Building Control Regulations. The code applies to buildings and building works for which certificates of compliance under the Building Control Regulations are required. The areas covered include:

- Certification
- Lodgement of plans and documentation
- Inspections during construction
- Roles and duties

### 1.3 Regulatory Design Principles

The overall objective of the revised building control system is to achieve better building construction. The aim is to ensure that all involved in the construction process and the regulatory system work effectively to achieve this. A set of design principles has been used in developing the system of building control and in particular

this code. These principles are summarised as follows:

- 1) using a number of complementary measures and interventions to achieve compliance;
- 2) minimising the number of interventionist measures while ensuring the necessary outcomes are achieved;
- 3) escalating response as required (using both the private sector and building control authorities) so as to build in regulatory responsiveness, to increase dependability of outcomes, and to provide early warning of non-compliance through the use of triggers;
- 4) empowering third parties (both commercial and non-commercial) to act as surrogate regulators, thereby achieving both better outcomes at less cost and freeing up scarce regulatory resources which can be deployed effectively; and
- 5) encouraging all participants to achieve good outcomes and recognising that the legal requirements set minimum standards and that there should be an ambition to exceed these.

#### **1.4 Regulatory Oversight**

Oversight is central to what is planned on foot of the system of building control in Ireland. The Regulations require the private sector to play an active part in achieving compliance and providing better buildings. A key aim of the Code is for regulatory oversight to ensure a culture of compliance with Building Regulations using a risk based approach to target those who are non-compliant.

Owners, designers and builders are responsible for the notices, certificates, plans and documentation that are to be lodged to building control authorities. Regulatory oversight is necessary in order to ensure that any failure of regulation among the agencies involved – be they owners, designers, builders and/or building control authorities is detected and remedied in an effective and timely manner.

A key element in detection is the system of risk analysis, whereby the online system of notices and documents will permit Building Control Authorities to deploy straitened resources to target inspection and investigation into higher risk areas. This will help Building Control Authorities to escalate findings of non-compliance and, where necessary, effectively use their powers of inspection, enforcement and prosecution in the event of serious breaches of Building Regulations. The aim is that the powers of enforcement and prosecution will become a more credible threat to those who are non-compliant.

## 2. Definitions

**“ancillary certificates”** means a certificate of compliance, confirming compliance of elements of the building, design or works with Building Regulations; and “Ancillary Certifier” means a person proposed to issue such a statement. (Note: a “person” also includes a company);

**“assigned certifier”** means the person so assigned, in accordance with the Building Control Regulations;

**“builder”** means a competent builder appointed, for purposes of the Building Control Regulations, by the owner, to build and supervise the works;

**“building control authority”** means a Local Authority to which section 2 of the Building Control Act 1990 applies;

**“building control regulations”** means the Building Control Regulations 1997 to 2012;

**“building owner”** means any natural or legal person, public or private, who has for the time being, whether permanently or temporarily, legal title to or a beneficial interest in the building, or who is legally responsible for its care and maintenance;

**“building regulations”** means the Building Regulations 1997 to 2011 and future amendments to them;

**“certificates of compliance”** means certificates of compliance as defined in the Building Control Regulations 2012;

**“commencement notice”** means a notice referred to in section 6(2) (k) of the Building Control Act 1990;

**“competent person”**: a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size and/or complexity of the project, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

**“construction”** includes the execution of works in connection with buildings and any act or operation necessary for, or related to the construction, extension, alteration, repair or renewal of a building; and

**"constructed"** shall be construed accordingly;

**"design"** includes the preparation of plans, particulars, drawings, specifications, calculations and other expressions of purpose according to which the construction, extension, alteration, repair or renewal concerned is to be executed and "designed" shall be construed accordingly;

**"design certifier"** means the person who signs the Certificate of Compliance (Design);

**"enforcement notice"** has the meaning assigned to it by *section 8 of the Act*;

**"Inspection Notification Framework" or "INF"** has the meaning set down in section 7 of this Code;

**"the Minister"** means the Minister for the Environment, Community and Local Government;

**"works"** includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building;

### 3. Roles and Duties

#### 3.1 Key Responsibility

There is an obligation under section 3(5) of the Building Control Act 1990 that buildings and building works are designed and constructed in accordance with the relevant requirements of the Building Regulations. Owners, designers and builders must adhere to this legal requirement. In undertaking building works, appropriate measures shall be taken so that the work is in accordance with the Building Regulations. Designers, builders and certifiers should exercise reasonable skill, care and diligence in the exercise of their duties. They and persons assigned by them should be competent for the work they undertake.

#### 3.2 Owner's Role

The building owner is ultimately responsible for ensuring that buildings and building works are carried out in accordance with the requirements of the Building Regulations. In relation to the design and construction of buildings, the Building Owner should ensure that they appoint competent Designers, Builder and an

Assigned Certifier.

Specifically, the Building Owner shall -

- (a) Ensure that a Fire Safety Certificate and a Disability Access Certificate are obtained where required.
- (b) Sign a Commencement Notice (or 7 day notice) that is lodged.
- (c) Sign and submit a notice for the assignment of:
  - 1) a competent person/company, the Assigned Certifier, to inspect the building works during construction and provide a certificate of compliance (completion), and
  - 2) a competent builder to construct in accordance with the plans, specifications and Building Regulations, and to sign the certificate of compliance on completion.
- (d) Ensure that adequate resources and competent persons are made available to design, construct, certify and inspect the building works.
- (e) Where the Assigned Certifier or Builder withdraws from the project for whatever reason, the owner should immediately appoint a replacement Assigned Certifier or Builder. Where this happens the owner shall give notice to the building control authority of the new assignment. At all times the owner should ensure that an Assigned Certifier and builder are in place.
- (f) Where there is a change of owner, the new owner shall give notice of the change of owner and also notify the building control authority in writing of all appointments that are in place.

### **3.3 Builder's Role**

The Builder shall carry out the works in accordance with the plans and specifications of the professional design team, their specialists and sub-consultants as necessary, and having regard to these in accordance with the requirements of the Building Regulations.

The Builder (company or sole trader) should -

- (a) accept from the Owner the assignment to build and supervise the project outlined in the Commencement Notice;
- (b) familiarise themselves with the drawings, specifications and documents

- lodged with the commencement notice;
- (c) ensure a competent person is assigned to oversee the construction works;
  - (d) co-operate with the design team, the Assigned Certifier and other certifiers;
  - (e) ensure that the workmanship complies with the requirements of the Building Regulations;
  - (f) ensure that materials which they select and for which they are responsible comply with the requirements of the Building Regulations;
  - (g) sign the certificate of compliance (completion);
  - (h) provide to the Assigned Certifier, such documents for which they are responsible, as may assist the Assigned Certifier to collate particulars for purposes of handover and certification, and/or for further submissions to the building control authority; and
  - (i) ensure the coordination and provision of all test certificates and confirmations to the satisfaction of the Assigned Certifier or other designated inspectors or certifiers providing ancillary certificates.

### **3.4 Designer's Role**

The Designer's should -

- (a) design their respective elements of work in accordance with the applicable requirements of Schedule 2 of the Building Regulations;
- (b) provide the Design Certifier with the necessary plans, specifications and documentation that is required for lodgement at commencement stage;
- (c) arrange to provide sufficient information to the Assigned Certifier to enable them to fulfil their role;
- (d) as agreed with the Assigned Certifier carry out work inspections which are pertinent to their elements of the design and shall liaise with the Assigned Certifier in terms of this and the required ancillary certification;
- (e) notify the Assigned Certifier of their proposed inspection regime for inclusion in the overall inspection plan; and

- (f) provide the ancillary certificates when required by the Assigned Certifier and Design Certifier

### **3.5 Assigned Certifier's Role**

The Assigned Certifier is the person assigned by the building owner as is required under the Building Control Regulations. They undertake to inspect and certify the building works on completion. They may or may not be a member of the design team. The Assigned Certifier should -

- (a) provide and sign the Certificates of Compliance for the Undertaking and Completion;
- (b) co-ordinate the ancillary certification by members of the design team and other relevant bodies for the certificate of compliance completion;
- (c) identify all design professionals and specialists, in conjunction with the Builder, from whom certificates are required;
- (d) identify all certificates required and obtain them;
- (e) co-ordinate and collate all certification of compliance for completion in conjunction with the Builder;
- (f) in consultation with the members of the design team, shall plan and oversee the implementation of the inspection plan during construction;
- (g) provide the inspection plan as set out in Section 7 and shall oversee adherence to this plan; and
- (h) on termination or relinquishment of their appointment hand over to the Building Owner all certification prepared and inspection reports carried out.

### **3.6 Role of Building Control Authority**

#### **3.6.1 Overall Role and Duties**

Specific duties of a Building Control Authority are:

- (a) processing applications for Fire Safety Certificates and Disability Access Certificates and issuing decisions on those applications,
- (b) at commencement stage: validation of Commencement Notices, Certificates

of Compliance (Design), notice of assignment by building owner, and notices of undertakings by the Assigned Certifier and the Builder,

(c) at completion stage: validation of Certificate of Compliance (Completion), and

(d) maintenance of a public register.

Under the Act of 1990 local authorities have strong powers of inspection, enforcement and prosecution. While Building Control Authorities use enforcement and the courts to effect compliance where reasonable and appropriate to do so, desired results can also be achieved, and often are, through discussion and persuasion with the threat of legal action.

It is expected that Building Control Authorities will undertake an appropriate level of assessment and inspection, incorporating significant milestone inspections of buildings and building works during construction. However, the responsibility for inspections and certification remains with the Assigned Certifier, the Builder, designers and the Building Owner.

Where inspections are carried out by Building Control Authorities they should make their inspection reports available to Assigned Certifiers and the Builders on an on-going basis.

### 3.6.2 Commencement Stage - Validation

On receipt of the commencement notice, the notice of assignment, plans, documentation and certificate for design, the role of the building control authority is to validate the documentation submitted. There is no requirement or obligation on the building control authority to carry out a technical assessment of the plans or other documents submitted, see section 6(4)(2)(k) of the Building Control Act 1990. However, they have powers under the Building Control Acts to check and assess plans, documents and certificates lodged. They should exercise these powers based on the combination of risk based and random selection.

The purpose of the lodgement of plans and certification is to provide a discipline to ensure a greater culture of compliance with the Building Regulations, and greater transparency in the process. From the building control Authority's perspective, the plans will be readily available should the particular project be selected for assessment and inspection.

### 3.6.3 Construction stage – assessment and inspection

Building Control Authorities should adopt a formal policy for the assessment and inspection of building work being undertaken within the building control system.

Authorities should adopt a risk management based approach in undertaking this work. This will include consideration of matters such as -

- (a) the use of the building;
- (b) the type of construction;
- (c) the level of experience of the design team and the builder; and
- (d) past experience regarding compliance.

In addition a level of random assessment and inspection should be carried out.

Building Control Authorities are expected to carry out a certain level of assessment and inspection. It is expected that target level of 12% to 15% of the projects for which a valid commencement notice has been submitted are inspected. This should include at least four key milestone on-site inspections in addition to any assessments of design.

Building Control Authorities should keep full records of all assessments and site inspections carried out. These should be made available to the Assigned Certifier and the Builder.

#### 3.6.4 Completion stage

The primary role of the building control authority at completion stage is to validate the “certificate of compliance on completion” and to place it on the register where it is in order. The validation process will include checking that the certificate was properly completed and signed by the appropriate persons. An on-line system for processing submissions is expected. The authority will check that there are no unresolved requests under Section 11 of the Act or enforcement notices. It is not appropriate for the building control authority to commence a technical assessment at this stage.

## 4. Certification

### 4.1 Certificates Required

As set out in the Building Control Regulations, certificates are required for certain buildings and building works. For these there is a requirement for four certificates to be submitted:

- (a) Certificate of Compliance (Design); by the Design Certifier
- (b) Certificate of Compliance (undertaking by person assigned to inspect and certify works); by the Assigned Certifier
- (c) Certificate of Compliance (undertaking by Builder); and

- (d) Certificate of Compliance (Completion), by the Assigned Certifier and the Builder

## 4.2 Who can certify as Assigned Certifier?

### 4.2.1 Assigned Certifier

The following can sign as the Assigned Certifier, provided they are competent in relation to the particular works involved:

- (a) Architects that are on a register under Part 3 of the Building Control Act 2007, or
- (b) Building Surveyors that are on a register under Part 5 of the Building Control Act 2007, or
- (c) Chartered Engineers under the section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969.

### 4.2.2 Ancillary Certifiers

Apart from the Assigned Certifier and Design Certifier there is likely to be a range of certifiers on most projects, including certifiers appointed by the owner, by his design team and/or by the builder. Ancillary certifiers may include:

- Architects and Architectural Technologists/Technicians
- Consulting Engineers (especially structural/civil and mechanical/electrical) appointed by the owner to design, inspect and certify the relevant elements of the works,
- Designers (e.g. for piling, for mechanical/electrical work, for soil and waste pipework or for precast concrete elements) appointed by the builder to design and certify the relevant elements of the works,
- Other competent technical and trade persons that install products and/or test on completion, and/or
- The Builder, sub-contractors, suppliers and manufacturers, both in relation to certifying design and construction, and also in relation to components or assemblies supplied for the works, and/or in relation to tests.

Every certifier should exercise reasonable skill, care and diligence in the exercise of their duties.

### **4.3 Certificate of Compliance (Design)**

The Design Certifier signs the Certificate of Compliance (Design) that is lodged with the Commencement Notice and ensures that any necessary ancillary certificates from members of the design team are provided. The Design Certifier is responsible for co-ordination and compiling of the plans, specifications and documents that are lodged to which the certificate relates. The lodgement of plans and documentation is dealt with below. Where elements of the design have not been completed, these should be clearly set out with an undertaking that when complete, these too will be submitted to the building control authority.

The Design Certifier, in compiling the plans and documentation and in preparing the Certificate of Compliance (Design), should review the scope of requirements of the Building Regulations that apply to the building work concerned. A schedule of the requirements of the Building Regulations is provided in Appendix 1.

### **4.4 Certificate of Compliance (Undertaking to Inspect and Certify)**

The Assigned Certifier, appointed by the owner, gives an undertaking to coordinate the inspection and certification of the works.

The individual certifiers should undertake to inspect and to cooperate with the other members of the Building Owner's design team in accordance the inspection plan based on Section 7 below. They also provide the necessary ancillary certificates to the Assigned Certifier.

### **4.5 Certification of Compliance (Undertaking by Builder)**

The builder, appointed by the owner, gives an undertaking to construct, cooperate with the Assigned Certifier and sign the certificate of compliance (Completion) as required under the Building Control Regulations.

As part of this undertaking, the Builder should co-ordinate the work of specialist sub-contractors and designers and should ensure that ancillary certificates of compliance are provided.

### **4.6 Certificate of Compliance (Completion)**

The Assigned Certifier and the Builder sign the Certificate of Compliance on Completion, supported by ancillary certificates from other members of the Building Owner's design team and certificates from specialist sub-contractors.

The Assigned Certifier (or his/her successor) and the Builder sign and lodge with the

building control authority:

- (a) the Certificate of Compliance (Completion), supported by a schedule of ancillary certificates from other members of the design and construction team, and
- (b) plans, specifications and particulars for any amendments from those submitted at commencement.

#### **4.7 Change of certifier or builder during the project**

In the case of a change in the Assigned Certifier or the Builder, the owner is required to do the following:

- (a) Where the Assigned Certifier listed in the Certificate of Compliance (undertaking to inspect and certify works) or the Builder withdraws from the project for whatever reason, the owner shall submit a new Notice of Assignment along with the relevant Certificate of Compliance (Undertaking).
- (b) The new Assigned Certifier and/or Builder should review the status of compliance of the work completed and deal appropriately with the findings from the review. This may involve consultation with the building control authority.

In the event that the Assigned Certifier wishes to end their appointment or that it is being terminated by the building owner during the course of the works, the certifier is required to provide to the owner and to the building control authority the records of inspection up to the date on which their appointment ends, along with any available certification of compliance of design and/or construction up to that date. This is irrespective of any issue regarding their fees with the building owner.

The Assigned Certifier and the Builder are required to notify the building control authority before ceasing their role.

A change of Certifier during the course of the works is a significant alert to the risk analysis system of the Building control authority, which may trigger an inspection of the design and other documents and a site inspection.

## **5. Lodgement of Plans**

### **5.1 Plans and specifications**

The Assigned Certifier and the Designers, before signing the Certificates of Compliance (Design) and the Undertaking to inspect and certify, is each responsible for ensuring that plans and other documentation are prepared and are appropriate for lodgement with the commencement notice.

In some cases certain aspects of the building or building works may not be fully designed as a working drawing “for construction” at commencement stage, but each such incomplete aspect or design element should be explained in the submission which accompanies the Commencement Notice. In all cases, an appropriate level of plans and documentation should be submitted to the building control authority.

The plans and documentation required at commencement stage, depending on the nature of the works, are:

- (a) General arrangement drawings – plans, sections and elevations;
- (b) Drawings of particular details as appropriate;
- (c) Drawings showing work that is below ground;
- (d) General arrangement structural drawings showing the main structural elements;
- (e) Specifications including materials and products; and performance specifications for elements that may be the subject of ancillary certification;
- (f) Overview assessment in relation the requirements of Parts A to M of the Building Regulations;
- (g) Where applicable a Dwelling Energy Assessment Procedure (DEAP) or Non-Domestic Energy Assessment Procedure (NEAP) under requirement of Part L of the Building Regulations;
- (h) Confirmation from the design structural engineer or other designated person(s) that the site investigation report, structural calculations, and other related design information is being kept and will be made available to the building control authority on request.

## 5.2 Other Documentation

Key documents as is appropriate should be submitted depending on the particular building works.

Structural calculations and site investigation reports do not have to be submitted at commencement stage. However, they should be kept and made available on request to the building control authority. The information should be provided to the building control authority within two weeks of being requested.

### 5.3 Lodgement of plans at later stage

Design work that is due for completion and specialist design that is not available for submission at commencement stage should be submitted at a later stage. Drawings and documentation for these designs should be submitted before the relevant work commences, with ancillary certificates of compliance (design) where appropriate. Similarly drawings and documentation for changes or omissions should be submitted before the relevant work commences.

## 6. Commencement Stage

### 6.1 Submission to building control authority

Where applicable the following are submitted to the building control authority prior to commencement -

- a) Commencement notice;
- b) Plans, specifications and particulars necessary to show how the building work will comply with the requirements of the Building Regulations;
- c) Certificate of Compliance (Design) (with a schedule of ancillary certificates by members of the design team, who should also sign their certificate);
- d) Notice of Assignment by the Building Owner of competent person as Assigned Certifier; and appointment of a competent Builder;
- e) Certificate of Undertaking by the Assigned Certifier;
- f) Certificate of Undertaking by the Builder; and
- g) The appropriate fee.

## 7. Construction Stage Inspection – by Certifiers

### 7.1 Site Inspection Plan

The certifiers shall adopt an appropriate site inspection plan which takes full account of relevant factors for the building work concerned. Relevant factors should be assessed at the outset and regularly reviewed so that effective control is maintained for the duration of each project, with adequate site inspections and records sufficient to demonstrate the application of reasonable skill and care.

The building control process, in order to be effective, requires an inspection plan of appropriate intensity and frequency. However, it is not practicable for every item of

work to which the Building Regulations relate to be examined. The supervision by the Builder is therefore of critical importance. The test of the inspection plan will be its success in achieving reasonable standards of health and safety in or about buildings, energy conservation, accessibility and sustainability for building users.

Inspection staff should use professional skill and judgement in their selection of priorities for inspection within the certifier's stated policy. Depending on the complexity of the project, such inspections may need to be carried out by personnel with greater expertise. Inspection staff should be briefed by their employer and where necessary by the Assigned Certifier on the design lodged to the building control authority and on appropriate inspections and tests to carry out.

The inspection plan is dependent on many factors including -

- (a) type of building, type of construction and expertise of builder;
- (b) how complicated or relatively straightforward the method of construction is;
- (c) whether recent experience indicates current problems in interpreting and/or achieving compliance with certain requirements;
- (d) how serious the consequences of a particular contravention might be;
- (e) the impracticability or impossibility of subsequent inspection of closed up work; and
- (f) speed of construction, or methods of fast track construction.

Subject to the appropriate professional judgement or risk assessment, inspection should normally be made of:

- (a) elements and components, the failure of which would, in the opinion of the certifier, be significant;
- (b) all works which, in the opinion of the certifier, constitute unusual designs or methods of construction;
- (c) work relating to fire safety;

- (d) any type of work, construction, equipment or material which could, if not verified, cause defects which would, in the opinion of the certifier or designated inspector, be seriously detrimental to the fundamental purposes of the Building Regulations; and
- (e) any additional areas of work necessary for the subsequent issue of a certificate at completion.

## 7.2 Inspection frequency

The most important thing is to have an appropriate inspection plan; the scope and frequency of inspection should be determined and incorporated in a formal written plan. This plan should be kept under review as the project proceeds. It should take into account the inspection plan factors above.

Periodic inspection should be carried depending on the size and nature of the particular building project. This should include critical milestone inspections and inspections as set out in the inspection notification framework (INF).

## 7.3 Inspection Notification Framework (INF)

The Assigned Certifier shall, as part of the inspection plan and before the commencement of work on site, agree with the Building Owner and Builder an INF, taking account of the building works involved and other factors. The INF should identify generally the stages or items of work the individual certifiers wish to be notified of, as and when they are ready for inspection.

The Assigned Certifier should make available an Inspection Plan including the inspection notification framework (INF), taking account of the complexity of the project and other factors. The INF should identify generally the stages or items of work which the Assigned Certifier wishes to be notified to him/her and/or to an Ancillary Certifier when they are ready for inspection.

The INF should be prepared:

- in conjunction with the Inspection Plan,
- in consultation, as far as possible and necessary, with other members of the design and construction team and with those providing Ancillary Certificates and,
- before the commencement of work on site,

and shall be communicated to the building owner and builder.

Each certifier and testing agency together with the Builder and the Assigned Person

should then respond, as appropriate, to all notifications identified in the INF.

NB: it should be made clear to the Builder that the Assigned Certifier and the other persons referred to above, are free to expect to carry out unannounced inspections between the stages identified in the INF and/or in the Inspection Plan.

#### **7.4 Follow up procedures**

Effective follow up procedures are essential to ensure that previously noted non-compliance issues have been corrected. The person responsible for the particular inspection, e.g. the Assigned Certifier or the ancillary certifiers, should check that the matter raised has been resolved satisfactorily.

#### **7.5 Tests**

Certain tests may need to be carried out, as necessary, in order to demonstrate compliance. Such tests may be ones referred to in the Technical Guidance Documents to the Building Regulations. The Assigned Certifier and ancillary certifiers should consider the need for such tests at the earliest possible stage and as far in advance as possible. They should include them as far as possible in the building contract documentation, where there is a contract in place.

The inspection plan, and the INF should indicate the tests that the Certifiers wish to monitor periodically and, where necessary, the Owner should be notified about test requirements.

#### **7.6 Records of site inspection**

Records of each inspection shall be maintained by the person and firm responsible and should be sufficient to identify the work inspected and any non-compliance. Where the work inspected is not shown on drawings available to the person inspecting, these records will necessarily be more detailed. It will be important, in order to affect continuity of control and to provide evidence of inspection for building control purposes during the construction process, that adequate records should be maintained to show what works were inspected, the results of the inspection and any remedial action considered necessary.

## **8. Completion Stage**

### **8.1 Submission at completion**

- (a) A "Certificate of Compliance (Completion)" is submitted by the Assigned Certifier to the building control authority. It is signed by the Assigned Certifier and the Builder.

- (b) Plans, specifications and particulars for any amendments from those submitted at commencement are also submitted by the Assigned Certifier.

NB: The certificate must be submitted before a building may be opened, used or occupied. If rejected by BCA within 3 weeks, it is not valid.

## 8.2 Validation and Registration of Certificate

Where the Prior Notification procedure as outlined under 8.3 below has not been used, Certificates of Compliance (Completion) are lodged with the building control authority on completion. In these circumstances, the building control authority shall validate the "Certificate of Compliance (Completion) and place it on the register where it is in order. The validation process will include checking that the certificate was properly completed and signed by the appropriate persons i.e. the Assigned Certifier and the Builder. The authority will check that there are no unresolved, requests for information, enforcement notices or other statutory notices. It is not appropriate for the building control authority to commence a technical assessment at this stage.

On receiving the completion document the building control authority shall:

- (a) Stamp the certificate with date of receipt (this should be done online).
- (b) Consider whether the certificate is compliant:
  - 1) Where compliant, the certificate is to be placed on the register,
  - 2) Where not compliant, the building control authority may, within 3 weeks, reject the certificate giving reasons why and require the person to submit a revised certificate and documentation,
  - 3) Where a BCA rejects a notice it shall return the certificate and documentation.
- (c) Where the building control authority does not process the certificate within the 3 week period the certificate will be placed on the register automatically. A development, where the Certificate of Compliance (Completion) has been registered will be deemed to comply with the certification procedures if it has not been rejected by the Building control authority within the 3 weeks.

## 8.3 Prior Notice of Submission of Completion Certificate

- (a) Between 3 and 5 weeks prior to the building being completed, the Assigned Certifier may submit a Prior Notification. Such notification shall re-state the name of the Assigned Certifier and the Builder that have already been notified to the

building control authority to undertake the certification. Plans, specifications and particulars for any amendments from those submitted at commencement shall also be submitted by the Assigned Certifier.

- (b) The building control authority will check that there are no unresolved enforcement notices or other statutory notices. They will also check the names of the Assigned Certifier and Builder as provided.

Where there are unresolved enforcement notices and/or the names of the Assigned Certifier and/or Builder are not in accordance with previous notifications to the building control authority, the authority may notify the Assigned Certifier that all is not in order and reject the prior notification as being invalid.

- (c) Where the Prior Notification has not been deemed invalid by the building control authority within 3 weeks of its submission, the lodgement by the Assigned Certifier of the Certificate of Compliance (Completion) shall be automatically accepted on lodgement and placed on the register. This is provided the details of the certificate comply with the Prior Notification and it has been signed by the correct persons.

#### **8.4 Phased Completion**

For buildings that are completed on a phased basis for occupation, for example houses or apartment blocks, it is appropriate that certificates of completion for each phase may be submitted. Where it is in order the building control authority should accept the certificate for the particular phase and place it on the register. On completion of the entire project a final complete certificate of compliance on completion should be provided.

### **9. Archiving of Records**

Arrangements should be put in place to ensure that records relating to the building control service provided to individual projects are retained for a minimum period of 6 years. This should include certificates, plans, specifications, documents and records of inspection. A significant amount of these records may form part of the Safety File provided for under the Safety, Health and Welfare at Work (Construction) Regulations 2006, in which case these records do not need to be retained separately.

Arrangements shall be made for their transfer into safe keeping in the event of the holder of any relevant records ceasing to trade.

## 10. E-lodgements

Building control authorities should have in place a system where submission of commencement notices, certificates and plans etc. can be made on-line.

It is intended that a fully effective on-line system is provided and that there is no requirement for any paper lodgements. The system should be sufficiently automated so that documents submitted can be uploaded onto an online Register that is to be maintained by Building Control Authorities.

## 11. Professional Ethics

Once a client has engaged a certifier for a project or preliminary negotiations are in progress, the professionalism with which that project is handled will be guided by the codes of conduct of the appropriate registered professional bodies. These codes of conduct should be made publicly available by the relevant professional bodies. It is also very important to the reputation of the building control system and to the best interests of the construction industry and building users, that competition within the private sector should be conducted in a transparent manner.

## 12. Insurance

There are various types of insurances that are provided in the construction industry. Apart from general insurances such as employer's liability and public liability insurances there are other insurances including professional indemnity insurance, and latent defects insurance such as Homebond Guarantee, Premier Guarantee and Guarantee Protection Insurance. The provision of insurances is an important matter for consideration but it is not covered by this Code.

## Appendix 1 – List of Requirements under Building Regulations

Ref.	Description	Apply	Not applicable	Partially applicable	Comment
<b>Part A - Structure</b>					
A1	Loading				
A2	Ground movement				
A3	Disproportionate Collapse				
<b>Part B – Fire Safety</b>					
B1	Means of Escape				
B2	Internal Fire Spread				
B3	External Fire Spread				
B4	Access and Facilities for the Fire Service				
<b>Part C – Site Preparation &amp; Resistance to Moisture</b>					
C1	Preparation of Site				

Ref.	Description	Apply	Not applicable	Partially applicable	Comment
C2	Subsoil Drainage				
C3	Dangerous Substances				
<b>Part D – Materials and Workmanship</b>					
D1	Materials and Workmanship				
<b>Part E - Sound</b>					
E1	Airborne Sound (walls)				
E2	Airborne Sound (floors)				
E3	Impact Sound (floors)				
<b>Part F - Ventilation</b>					
F1	Means of Ventilation				
F2	Condensation in Roofs				
<b>Part G - Hygiene</b>					
G1	Bathrooms and Kitchens				

Ref.	Description	Apply	Not applicable	Partially applicable	Comment
G2	Sanitary Conveniences and Washing Facilities				
<b>Part H – Drainage and Waste Disposal</b>					
H1	Drainage System				
H2	Septic Tanks				
<b>Part J – Heat Producing Appliances</b>					
J1	Air Supply				
J2	Discharge of products of Combustion				
J3	Protection of Building				
J4	Oil Storage Tank				
<b>Part K – Stairways, Ladders, Ramps and Guards</b>					
K1	Stairways, Ladders and Ramps				
K2	Protection from Falling				

<b>Ref.</b>	<b>Description</b>	<b>Apply</b>	<b>Not applicable</b>	<b>Partially applicable</b>	<b>Comment</b>
<b>K3</b>	<b>Vehicle Ramps</b>				
<b>Part L – Conservation of Fuel and Energy</b>					
<b>L1</b>	<b>Conservation of Fuel and Energy</b>				
<b>L2</b>	<b>Conservation of Fuel and Energy in Existing Dwellings</b>				
<b>L3</b>	<b>Conservation of Fuel and Energy in New Dwellings</b>				
<b>L4</b>	<b>Conservation of Fuel and Energy in Buildings other than Dwellings</b>				
<b>Part M – Access for Disabled People</b>					
<b>M1</b>	<b>Access and Use of Buildings</b>				
<b>M2</b>	<b>Sanitary Conveniences</b>				
<b>M3</b>	<b>Audience or Spectator Facilities</b>				