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Government of Ireland

Legislative Developments in Building Control

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12th March 2025 - IBCI Conference



Building Control

- Building Regulations
- Building Control Regulations
- Inspections
- National Building Control Management Project

Construction Products

- Construction Products Regulation
- Market Surveillance

Reform Agenda

- Construction Industry Register
- Building Control Act Amendments
- Building Standards Regulatory Authority



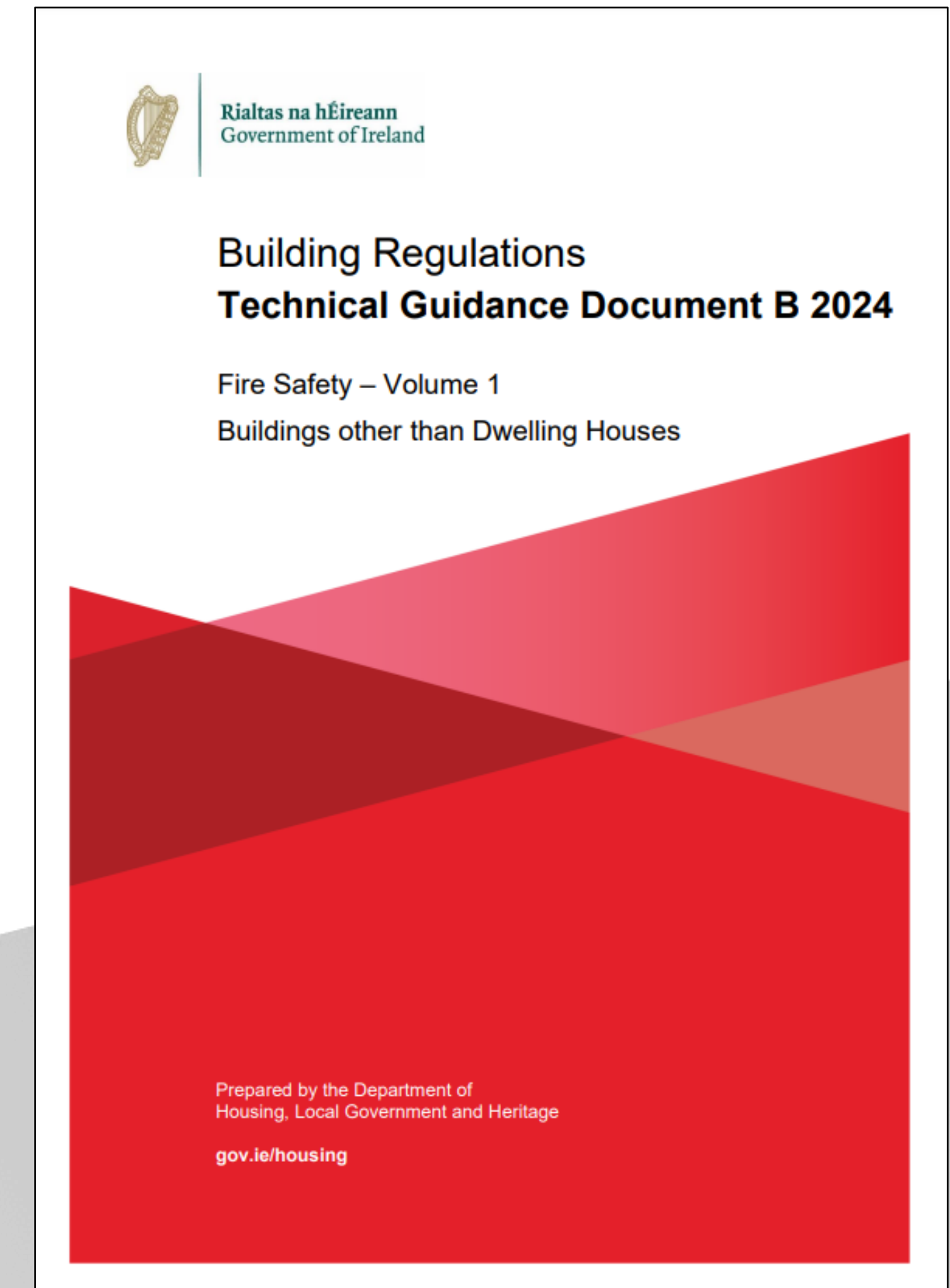
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Building Regulations

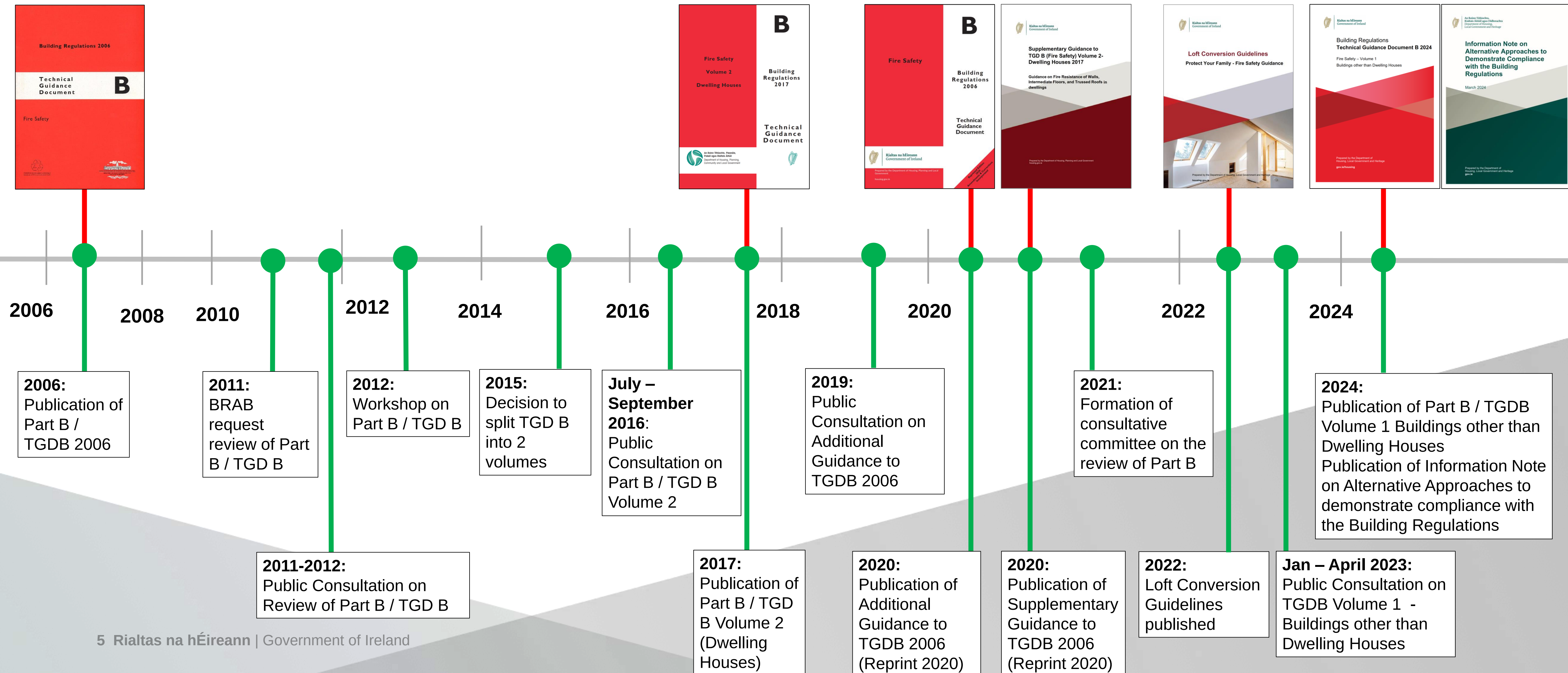
Building Regulations - Part B



- Comprehensive review of Part B.
- Regulations signed in March 2024.
- Come into effect on 1 May 2025.
- Further to an editorial review, Version 1.01 to be published prior to 1 May 2025.



Review of Part B & TGD B - Fire Safety

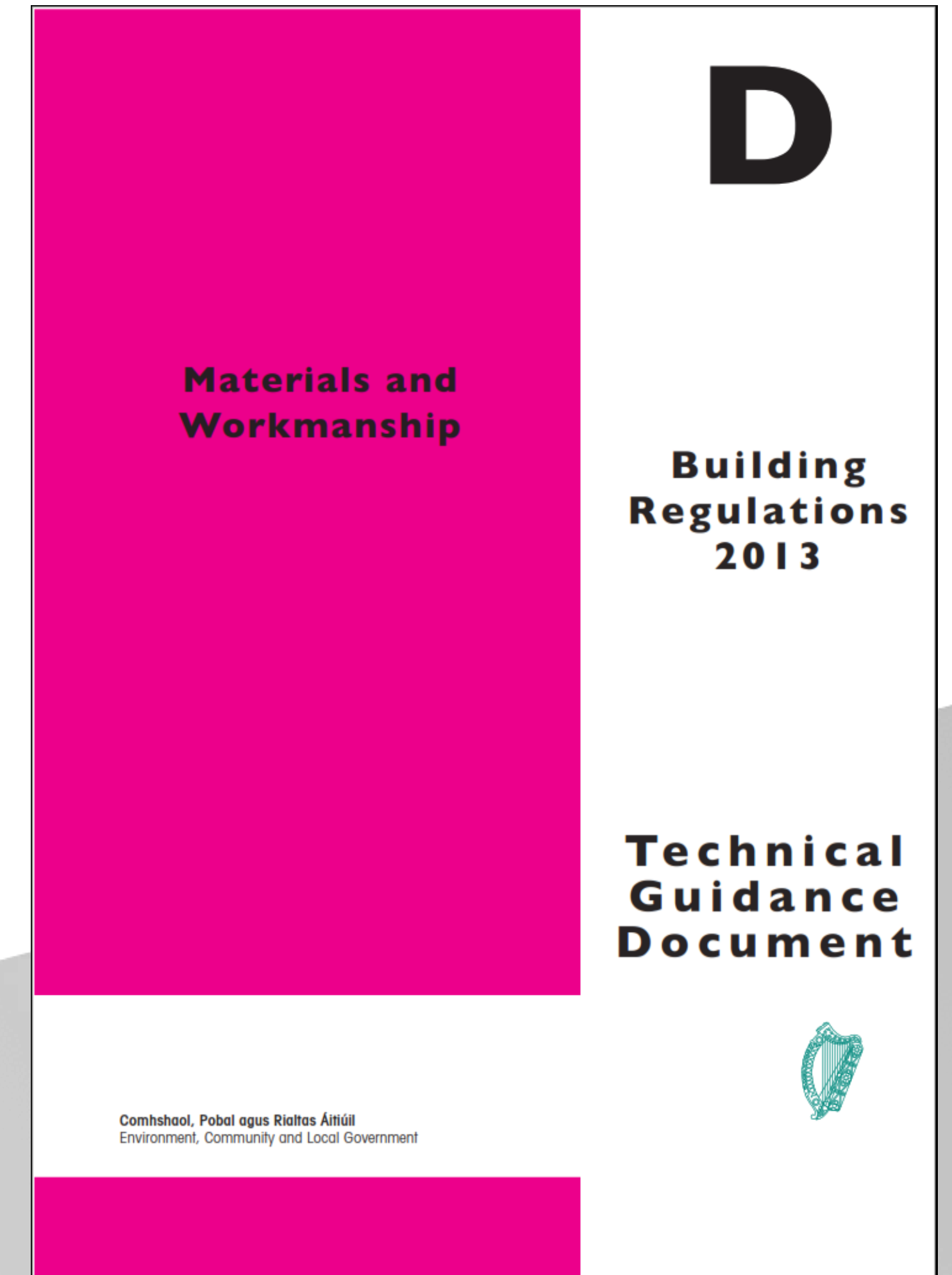


Building Regulations - Part D

- Proper materials & workmanlike manner.
- Durability - 60 year requirement for dwellings
- Standards
- Certification - demonstrate compliance with Irish Building Regulations e.g. NSAI Agrément

Review of Part D & TGD D in 2025

- Construction Products Regulation 2024.



Recast Energy Performance of Buildings Directive 2024



- Transposition date of 28th May 2026.
- Implementation dates for articles until 2030.
- Requirements include:
 - *Zero Emissions Buildings*
 - *Declaration of Global Warming Potential in new Buildings*
 - *Minimum Energy Performance Standards for non-residential buildings*
 - *New requirements for EV recharging infrastructure and bicycle parking spaces*
 - *New requirements for solar installations*

S.I. No. 642 of 2024 European Union (Energy Performance of Buildings) Regulations 2024



- Signed by Minister O'Brien on 20 November 2024.
- Existing building other than a dwelling to be equipped with a building automation and control system has been brought forward from 31 December 2025 to 31 December 2024.



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Energy Performance of Buildings
Regulations

Technical Guidance 2024

(Energy Performance of Buildings Directive 2018/844 Articles 8(3), 14(4) and 15(4) & Energy Performance of Buildings Directive 2024/1275 Article 9(a) – Electric Vehicle Recharging Points and Building Automation and Control)



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Building Control Regulations

Building Control (Amendment) Regulations (S.I. No. 361 of 2024)



- Re-instate the obligation to submit a commencement notice and follow building control processes for the construction of a dwelling house, regardless of planning exempted development status.

Building Control (Amendment)(No 2) Regulations (S.I. No. 531 of 2024)

- Exempt works to Tier 1 buildings or Tier 2 buildings, in accordance with the Code of Practice for the Remediation of Fire Safety Defects from the requirements of the Building Control Regulations.

Building Control (Amendment) Regulations 2025 (S.I. No. 56 of 2025)

- Aligns the Building Control Regulations with the Building Regulations as amended by the Building Regulations (Part B Amendment) Regulations 2024 (S.I. No.108/2024). The operative date of these Regulations is 1 May 2025 to coincide with the coming into effect of the updated Part B.



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Inspections

National Oversight and Audit Commission

Building Control Inspections

- Other inspections
- On site inspections
- Desktop assessments
- Section 11 requests
- Complaints
- Legal proceedings
- Market Surveillance

Authority	A. Buildings inspected as a percentage of new buildings notified to the local authority
Carlow County	22.39
Cavan County	28.26
Clare County	13.97
Cork City	15.89
Cork County	16.40
Donegal County	13.37
Dublin City	79.22
Dún Laoghaire Rathdown	45.15
Fingal County	40.85
Galway City	19.19
Galway County	14.60
Kerry County	28.91
Kildare County	32.47
Kilkenny County	24.25
Laois County	11.97
Leitrim County	27.13
Limerick City and County	14.16
Longford County	100.00
Louth County	12.19
Mayo County	29.15
Meath County	53.32
Monaghan County	27.30
Offaly County	15.18
Roscommon County	15.19
Sligo County	15.59
South Dublin County	26.99
Tipperary County	32.13
Waterford City and County	18.60
Westmeath County	16.61
Wexford County	34.04
Wicklow County	21.57



Inspections – Yearly Comparison



Figure P1: Percentage of buildings inspected as a percentage of new buildings notified 2022

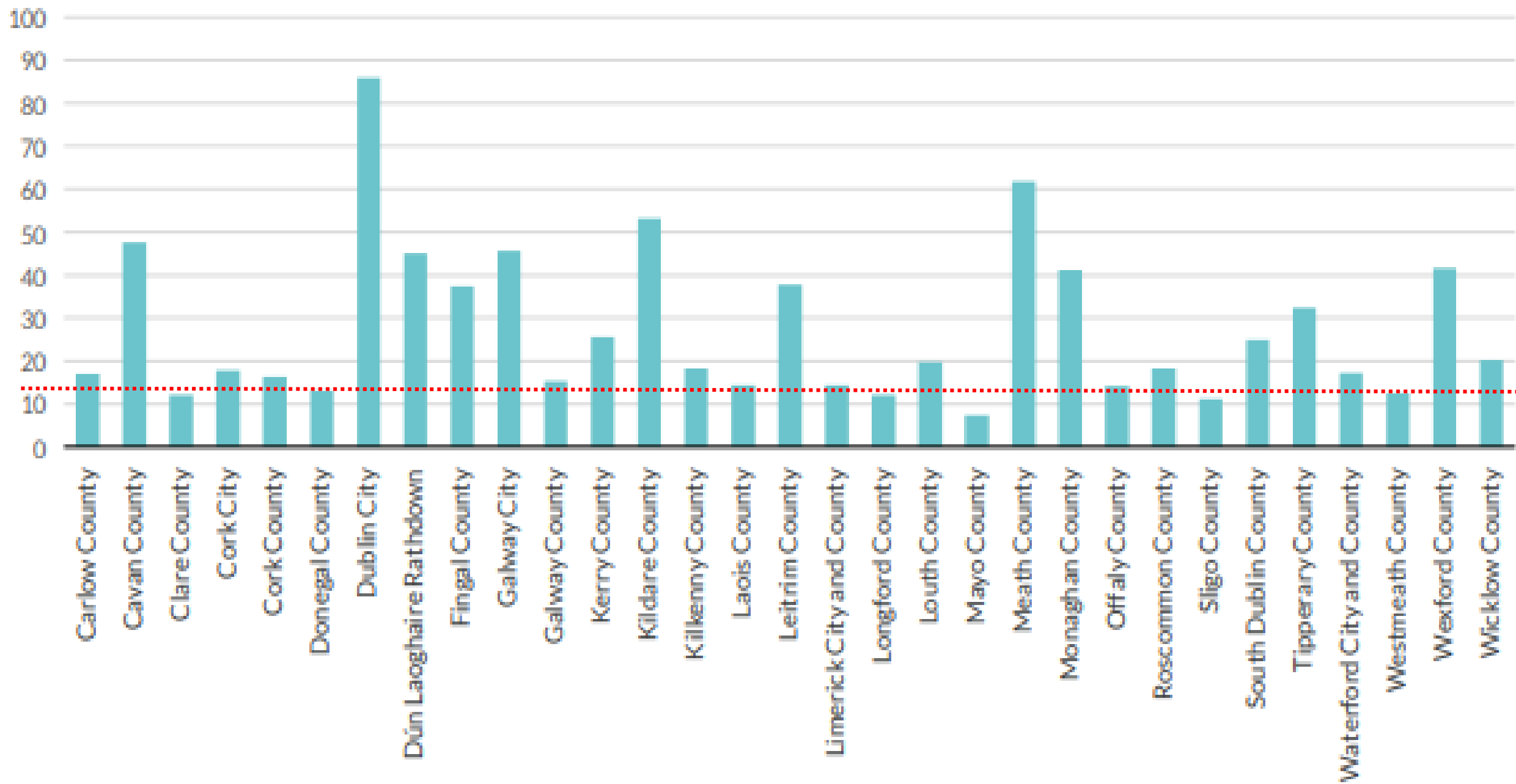
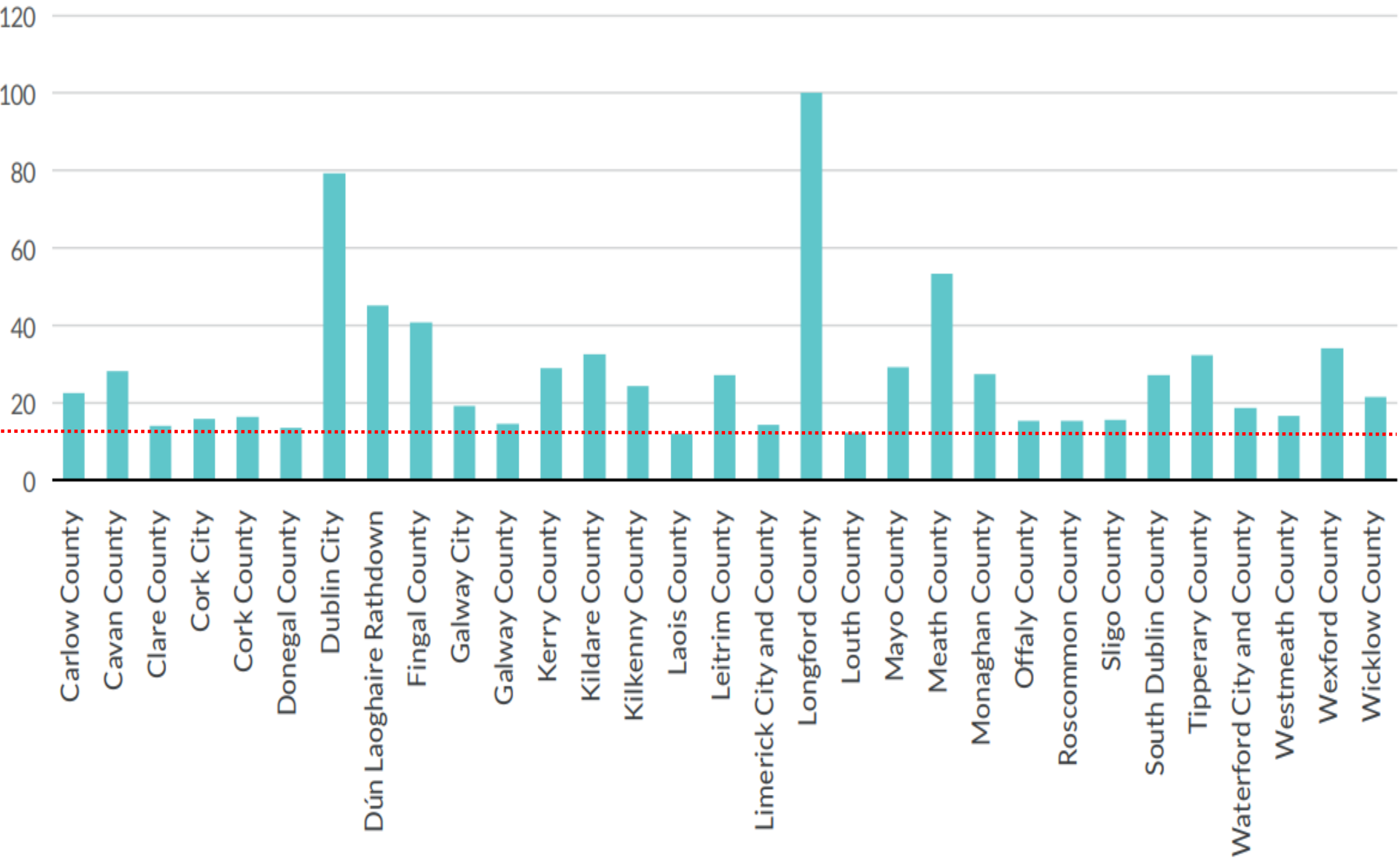


Figure P1: Percentage of buildings inspected as a percentage of new buildings notified 2023



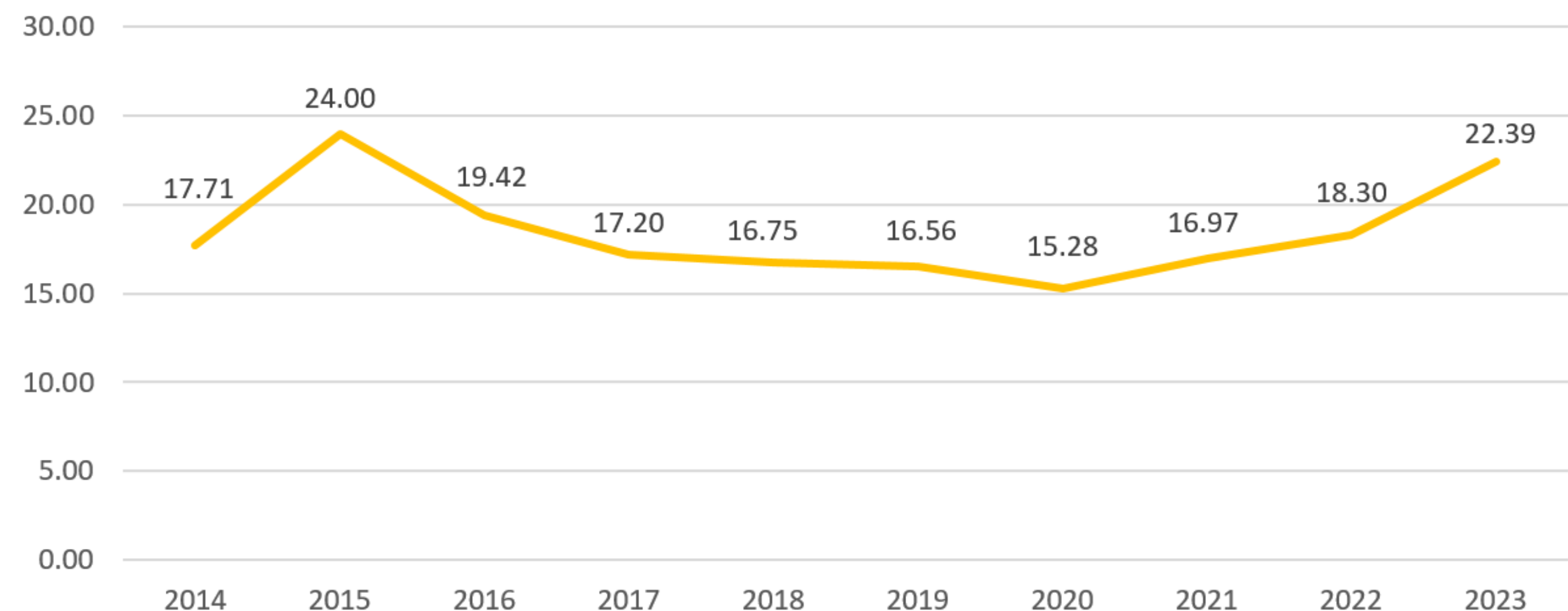
Local Authority Performance Indicator Report 2022 & 2023
Source: NOAC

Inspections – National Trend



P1 (A): Buildings inspected as a percentage of new buildings notified to the local authority in the year

2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
17.71	24.00	19.42	17.20	16.75	16.56	15.28	16.97	18.30	22.39



Risk based inspections

- Not simply 12-15% of new buildings
- Must include Part B - Fire Safety inspections
- Risk based planning of inspections
- Timing of inspections to ensure they are meaningful
- Complaint procedure

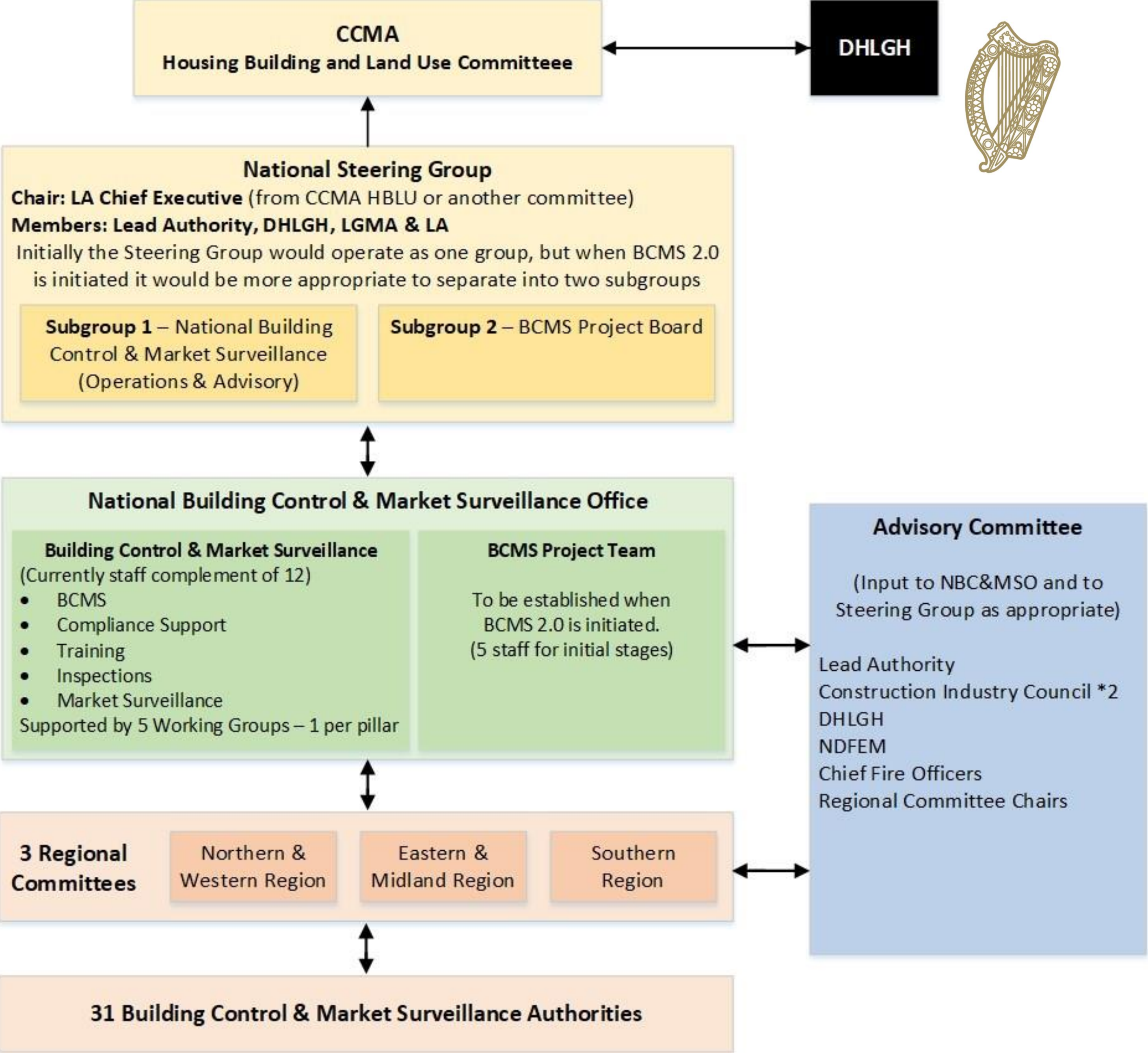


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National Building Control Management Project

Revised Governance Arrangements

In 2024 CCMA established a National Building Control & Market Surveillance Steering Group



National Steering Group



- The National Steering Group provides a formal mechanism for strategic oversight and governance of the National Building Control Management Project - the delivery of building control and market surveillance functions in Local Authorities.
- Approves, aligns and monitors NBCMSO business plans, budgets, resources and risk management.

Advisory Committee

- The Advisory Committee advises on the strategic direction of the NBCMP (e.g. strengthening the culture on compliance), promotes the provision of training, and promotes the maintenance, management and development of BCMS.



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Construction Products Regulation

Construction Products Regulation



Regulation(EU) No 305/2011

To break down barriers to trade and facilitate the free movement of construction products within the European Union
Obligation and responsibilities on **manufacturers, importers and distributors**



Harmonised Technical Specifications

Harmonised Standards – **Mandatory**
European Technical Assessments – **Voluntary** route to CE Marking



3rd Party Certification

Agreed System of Assessment and Verification of Constancy of Performance (AVCP)
Agreed framework of **notified bodies**



Declaration of Performance (DoP) & CE Marking

Once the DoP has been drawn up, the manufacturer must affix a CE marking to the product. CE marking enables a construction product to be placed legally on the market in any EU country and then be traded on the EU's single market



Market Surveillance

Checks to ensure that construction products placed on the market comply with the requirements of the CPR

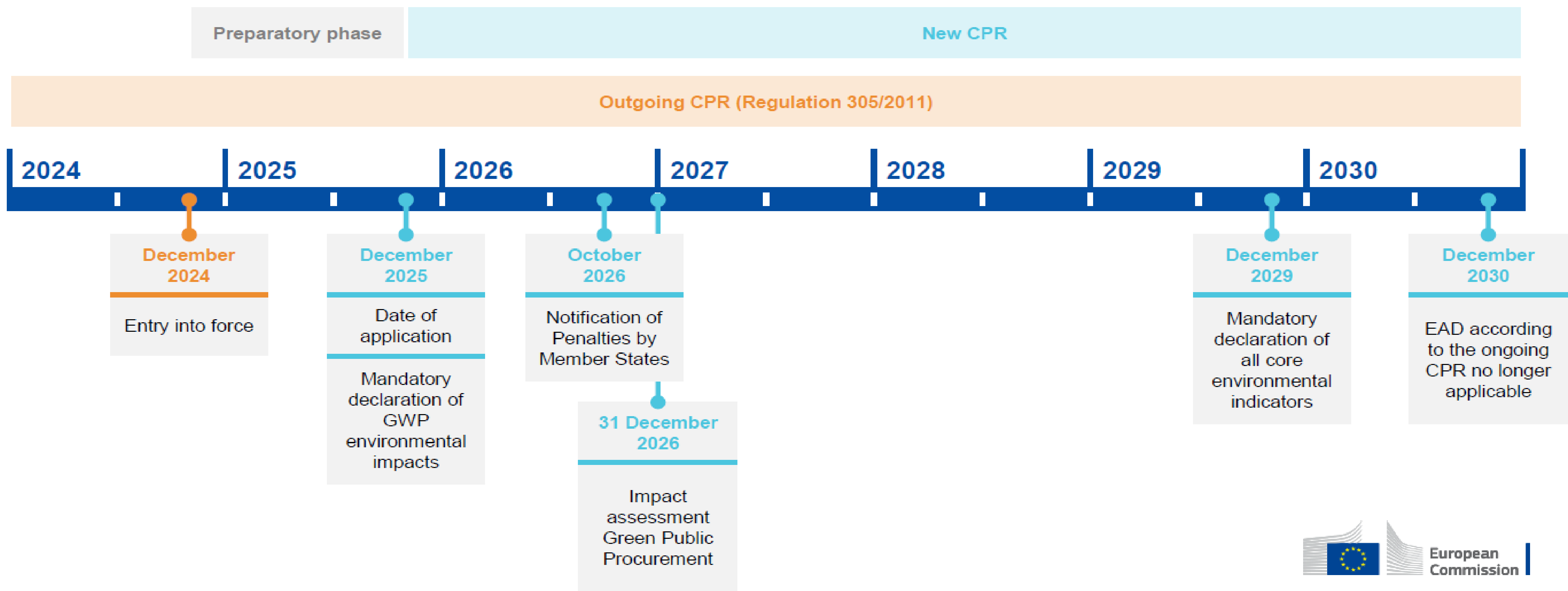
Main Elements of the 2024 CPR



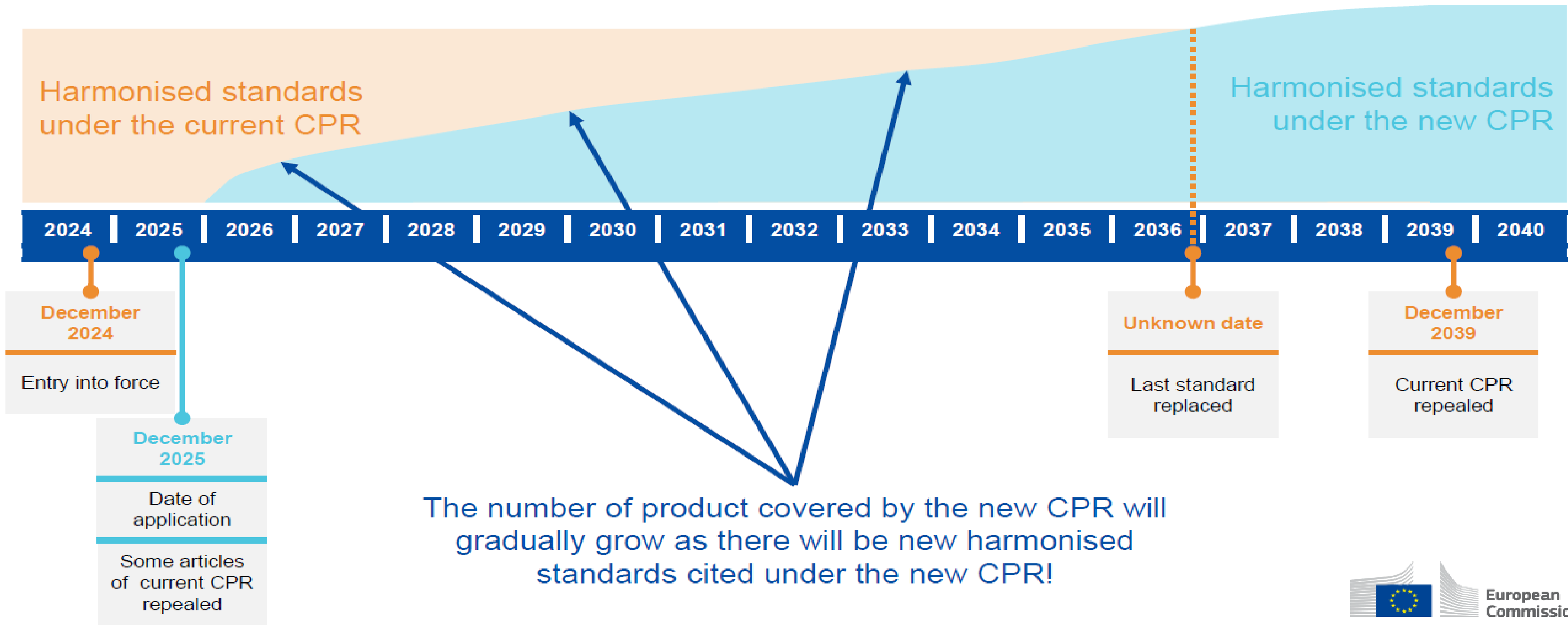
The 2024 CPR has been published in the OJEU (EU) 3110/2024:

- Fixing the problems in the standardisation system
- Digital passport for construction products
- Mandatory declaration of environmental characteristics
- Green public procurement

Transition to the 2024 CPR



CPR Transition – Harmonised Standards



Next Steps



- Drafting of regulations which give effect to CPR 2024.
- Engage with stakeholders through a variety of initiatives to ensure a successful transition to CPR 2024.



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Market Surveillance

Market Surveillance



- Report of the Market Surveillance of Construction Products produced from County Donegal Quarries 2021/2022.
 - Recommendations broadly aimed at:
 - Improving CPR compliance among concrete block manufacturers and the producers of aggregates for use in concrete.
 - Identifying and reducing non-compliances.
 - Raising awareness of the relevant construction product legislation and associated standards.
 - Providing guidance in relation to the EU Harmonisation Legislation.
 - Implementation group February 2023 – 2024
- ➔ NBCMSO Market Surveillance Working Group and TOR
- ➔ Review of resources under the National Steering Group



Market Surveillance



Local Market Surveillance Authorities

- Adequate Resources
- Authorised & trained staff
- Carry out risk-based, proactive and reactive activity
- Record on ICSMS
- Liaise, engage, co-operate with NBCMSO
- Raise awareness
- Include MS in corporate plans

NBCMSO

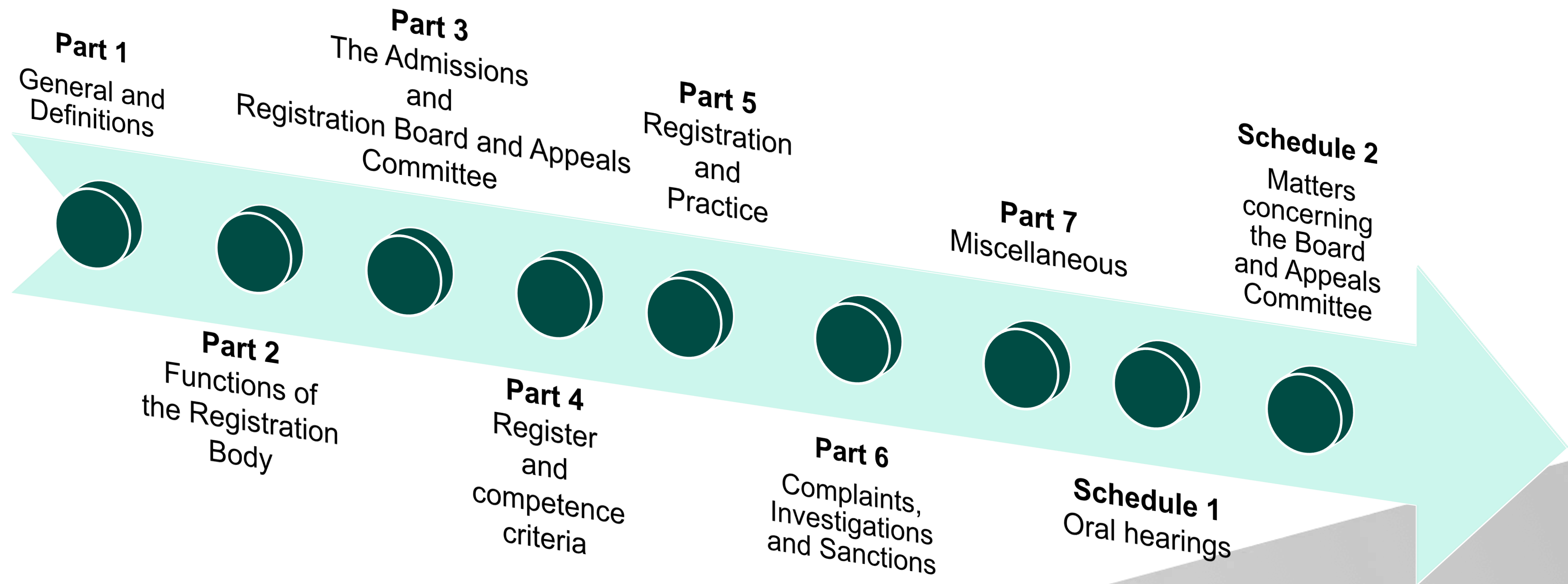
- Lead & co-ordinate National Market Surveillance Strategy & other campaigns
- Investigate and enforce
- Liaise, engage and support local MSAs – inspections, testing, enforcement
- ICSMS
- Liaise with Revenue
- Handle Rapex notifications
- Standardise business processes & procedures
- Training
- Raising awareness
- Liaise with national authorities
- Represent Irish Market Surveillance at national, EU & international level
- Collect activity data & report



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Construction Industry Register Ireland (CIRI)

Regulation of Providers of Building Works Act 2022



Part 1 - General and Definitions



Who are we regulating - Section 3

For the purposes of this Act, any of the following persons is a provider of building works:

- a) a person who engages in or holds himself, herself or itself out as, for consideration, **providing or being prepared to provide works;**
- b) a person who engages in or holds himself, herself or itself out as, for consideration, **providing or being prepared to provide works pursuant to a contract for services;**
- c) a person who engages in or holds himself, herself or itself out as, for consideration, **building and disposing of an interest in new buildings by sale, lease or rent;**

Works are defined in the Act as— “Works within the meaning of the Building Control Act 1990 to which the Building Regulations and Building Control Regulations apply”.

Initial Divisions proposed by Board



Division Number	Division Name	Division Definition
R4	Housing Schemes up to 50 dwellings	A number of single, domestic residential units, detached, semi-detached, or terraced houses, with or without associated garages / sheds (not including apartments, maisonettes or duplexes) forming a single estate, including site infrastructure and related services.
R5	Housing Schemes greater than 50 dwellings	
R7	Apartment / Maisonette / Duplex buildings up to 15 storeys	Apartment / Maisonette / Duplex Buildings: One or several multi-user residential buildings(s) containing individual dwellings and common areas, including site infrastructure and associated services.
R8	Apartment / Maisonette / Duplex buildings greater than 15 storeys	



Implementation

- Construction Industry Federation appointed as the registration body in January 2023.
- CIRI Board and Chair appointed in October 2023.
- Registrar appointed in December 2023.
- Divisions recommended by Board - January 2025.
- Initial divisions and competencies to be established in Regulation by Q2 2025.
- Provider will be required to be registered in order to provide works from Q2 2026.



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Building Control Act Amendments

Background to Changes



- On 30 January, 2024 Government approved the General Scheme of the Housing (Miscellaneous Provisions) Bill 2024.
- Bill includes amendments to the Building Control Acts 1990-2020.

Proposed Changes

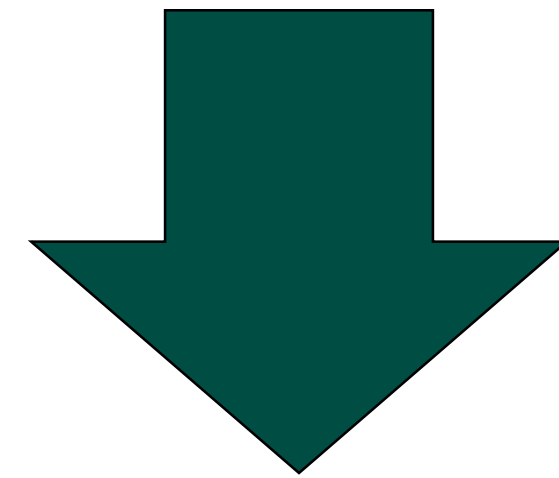


- Provide a legal remedy for the situation whereby works have commenced or been completed on a building without submitting an appropriate valid notice to the building control authorities.
- Amend the names of certain documents to better reflect their purpose.
- Strengthen building control enforcement powers.
- Extend the powers of the Minister to make Building Regulations.

Regularisation Process



Regularisation Notice, accompanied by a
Statutory Declaration + Fee



Regularisation Certificate of Compliance on Completion

Next Steps for Bill



- Pre-Legislative Scrutiny Completed (2024).
- Bill on Government's priority legislation for publication in Spring Session 2025.
- Development of Bill and Guidance subject to the normal legislative processes.
- Enactment of Bill
- In due course, Building Control Regulations will be required to give effect to provisions.



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Building Standards Regulatory Authority

Background

Housing for All (2021/2022) (Action 25.2)

Government Decision (18/01/2023)

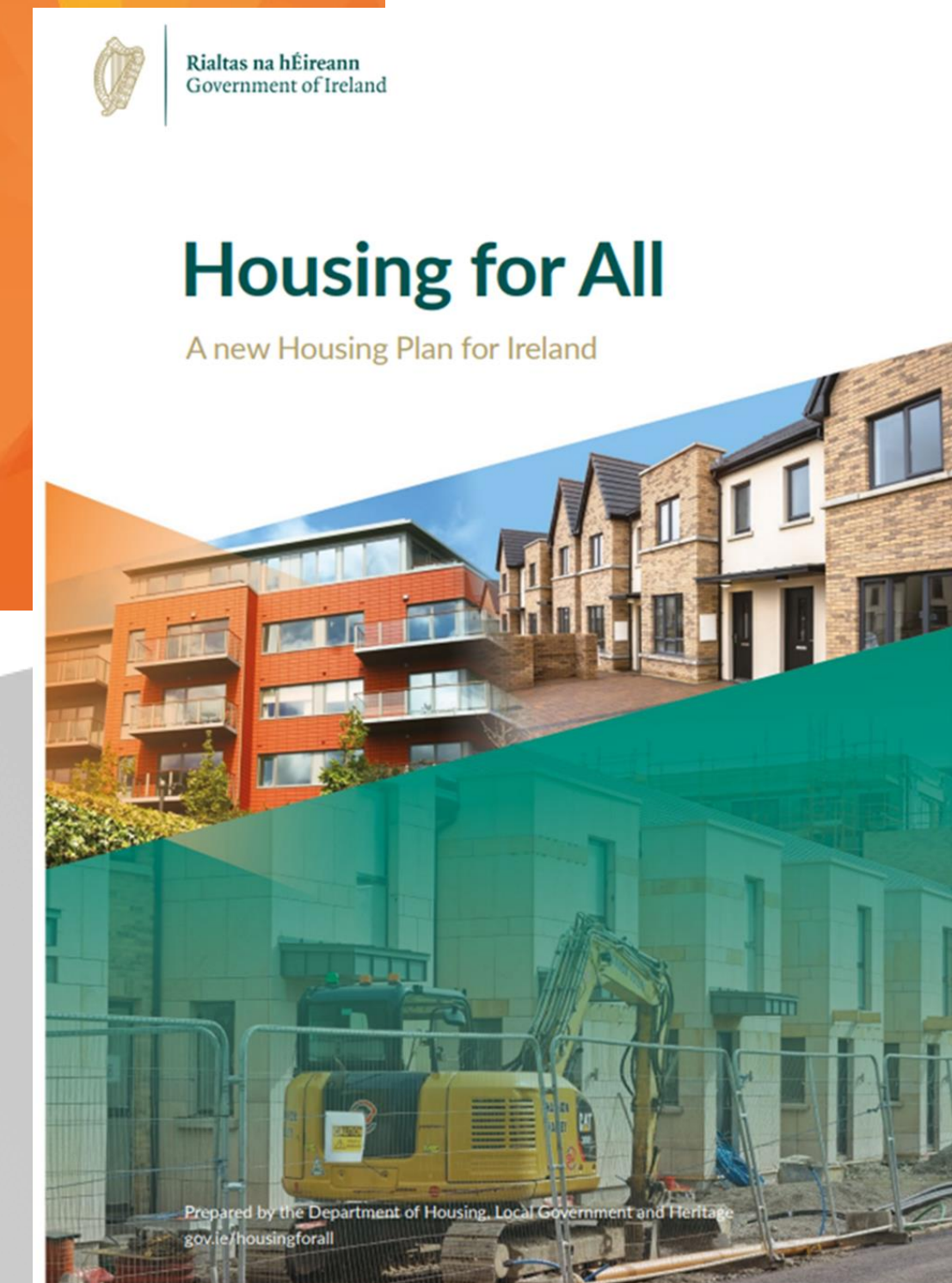
An Overview of Building Control Systems (April 2023)

- Housing Agency & DHLGH Study

Report of the Building Standards Regulator Steering Group (June 2024)

Programme for Government (2025)

- Establish a Buildings Standards Regulatory Authority to strengthen the oversight role of the State in respect of the design and construction of buildings.



Steering Group



- To provide high-level strategic guidance to the Department in relation to the establishment of the Building Standards Regulator and fulfilment of Housing for All Action 25.2.
- To consider a range of thematic areas, including the proposed scope, role, function and structure of the Building Standards Regulator.
- To consider the interaction of the Building Standards Regulator with existing key stakeholders e.g. local authorities, fire services, planning authorities, European institutions, Building Regulations Advisory Body, National Competent Authorities (GSI, TII) etc.
- To consider the key stages and supports required to establish the Building Standards Regulator.
- To consider any additional matters affecting the strategic direction of the establishment of the Building Standards Regulator.

Work Programme



- 7 Meetings between 28 February and 18 June 2024.
- Briefing papers and reports (Industry commentary, defects reports, JOC report etc).
- A submission from the Housing, Building and Land Use Committee of the County and City Management Association (CCMA).
- The Group received presentations from numerous bodies to compare and examine different regulatory structures.

Report of the Building Standards Regulator Steering Group

June 2024



- Guiding principles
- Models
- 14 Recommendations

Report of the Building Standards Regulator Steering Group

18th June 2024

Report Recommendations



1. Objectives

2. Effective Powers & Sanctions

3. Staged Approach

- a) Building Standards Agency
- b) Building Standards Regulatory Authority

4. Smooth Transition

5. Role of Building Standards Agency

6. Role of Building Standards Regulatory Authority

- a) Regulatory Authority
- b) Centre of Best Practice

7. Progressed in Parallel

8. Corporate Structure

9. Governance Model

10. Resources & Funding

11. Registered Building Professionals

12. Authorised Officers

13. Inspections Enhanced

14. Consultation

Next Steps



- Establishment of an implementation plan with CCMA & DCC/NBCMSO .
- Work underway drafting legislation to underpin the both the Building Standards Agency & Building Standards Regulatory Authority.
- Stakeholder consultation key to success.



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Thank you!