



STATUTORY INSTRUMENTS.

S.I. No. 361 of 2024



BUILDING CONTROL (AMENDMENT) REGULATIONS 2024

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I, ALAN DILLON, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4, 142 and 143 (as amended by section 53 of the Local Government Reform Act 2014 (No.1 of 2014)) of the Local Government Act 2001 (No. 37 of 2001) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2024 (S.I. No. 234 of 2024), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Building Control (Amendment) Regulations 2024.

(2) The Principal Regulations and these Regulations may be cited together as the Building Control Regulations 1997 to 2024 and shall be construed together as one.

Commencement

2. These Regulations come into operation on 1 September 2024.

Interpretation generally

3. In these Regulations:

“Principal Regulations” means the Building Control Regulations 1997.

Amendment of Article 7 of the Principal Regulations

4. The Principal Regulations are amended by substituting for Article 7(2) the following -

“(2) (a) Subject to paragraph (b) and paragraph (c), this Part shall not apply to works or a building as regards which a material change of use takes place, where—

- (i) the works are or the material change of use is exempted development for the purposes of the Planning and Development Acts 2000 to 2022, and
- (ii) Part III, or Part III of the Building Control Regulations, 1991 and 1994, do not apply to the works or building.

(b) This Part applies to works in connection with the material alteration (excluding a material alteration consisting solely of minor works) of a shop, office or industrial building to which Part III, or Part III of the Building Control Regulations, 1991 and 1994, do not apply.

- (c) This Part applies to works in connection with the design and construction of a new dwelling or an extension to a dwelling involving a total floor area greater than 40 square metres."

GIVEN under my hand,
18 July 2024

ALAN DILLON
Minister of State at the Department of Housing, Local
Government and Heritage

EXPLANATORY NOTE

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

The Building Control Regulations 1997 – 2021 provide that works or a material change of use that do not require planning permission, do not, by consequence, require a Commencement Notice, unless the works or a material change of use requires a Fire Safety Certificate. This means that the construction of a dwelling house, the subject of a planning exemption, does not require a commencement notice.

Amendments to the planning code in 2022 to address the urgent need to provide emergency accommodation or support to persons seeking international protection, including those displaced by the conflict in Ukraine, exempted certain buildings, including new dwelling houses, from planning control. In addition, Section 179A of the Planning and Development Act 2000, as amended was commenced in March 2023 to assist local authorities in the delivery of housing developments on State lands zoned to include residential. Section 179A of the Act removed the requirement for local authorities to undertake the ‘Part 8’ local authority own development process [section 179 of the Act] where the proposed housing development met the criteria of section 179A of the Act. In addition, section 4(1)(fa) was commenced in tandem with section 179A of the Act to provide that development under section 179A of the Act was classed as exempted development under the Act.

As a result of these changes to the Planning Acts, exempting certain development, the requirement to submit a Commencement Notice and any associated provisions under the Building Control Regulations 1997 – 2021, for the commencement of works relating to new dwellings were removed.

These Regulations 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.

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