



STATUTORY INSTRUMENTS.

S.I. No. 531 of 2024



BUILDING CONTROL (AMENDMENT) (NO.2) 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) (No.2) 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 the date of the making of these Regulations.

Interpretation generally

3. In these Regulations:

“Principal Regulations” means the Building Control Regulations 1997.

Amendment of Article 5 of the Principal Regulations

4. The Principal Regulations are amended in Article 5(4) by inserting after the definition of “regularisation certificate” the following definition—

““relevant building” means a building containing a flat, to which the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003 applies;”

5. The Principal Regulations are amended in Article 5(4) by inserting after the definition of “statutory declaration” the following definitions—

““Tier 1 building” means a relevant building, for which Tier 1 fire safety remediation option works are deemed appropriate, in accordance with the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003;

“Tier 2 building” means a relevant building, for which Tier 2 fire safety remediation option works are deemed appropriate, in accordance with the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003;”

Amendment of Article 7 of the Principal Regulations

6. The Principal Regulations are amended by inserting after paragraph (c) of Article 7(2) the following—

“(3) This Part shall not apply to works to a Tier 1 building or a Tier 2 building provided that the works are carried out in accordance with the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003”

Amendment of Article 11 of the Principal Regulations

7. The Principal Regulations are amended by inserting after Article 11(3) the following—

“(4) This Part shall not apply to works to a Tier 1 building or a Tier 2 building provided that the works are carried out in accordance with the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003”

Amendment of Article 20B of the Principal Regulations

8. The Principal Regulations are amended by inserting after Article 20B(1)(a) the following—

“(aa) A Revised Fire Safety certificate shall not be required in respect of works to a Tier 1 building or a Tier 2 building provided that the works are carried out in accordance with the Code of Practice for the Remediation of Fire Safety Defects, published under Section 18(A) of the Fire Services Acts 1981 and 2003”

GIVEN under my hand,
16 October, 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.)

These Regulations exempt works to Tier 1 buildings or Tier 2 buildings, in accordance with the Code of Practice for the remediation of Fire Safety Defects, published under Section 18A of the Fire Services Act 1981, from the requirements of the Building Control Regulations, specifically:

- Part II (Commencement Notices)
- Part III (Fire Safety Certificates), and
- Part IIIA (Revised Fire Safety Certificates).

Such works are subject to the processes set out in the Code of Practice for the remediation of Fire Safety Defects.

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