

Galway County Council Building Regulations

1. What are the Building Regulations?

Building regulations are a set of legal requirements, the purpose of which is to promote good practice in the design and construction of buildings in the interest of the health, safety and welfare of people who use buildings. The regulations set out the basic requirements to be observed in the design and construction of buildings and promote energy efficiency of buildings. They apply to new buildings and also to extensions, material alterations and certain changes of use of existing buildings. They replace building bye-laws which operated in some areas throughout the country.

2. How are the Building Regulations framed?

The regulations comprise a set of requirements which are expressed in simple functional statements, with the technical content of these requirements contained in twelve separate Technical Guidance Documents. The requirements address the following matters:

- Structure
- Fire
- Site Preparation & Resistance to Moisture
- Workmanship
- Sound
- Ventilation
- Hygiene
- Drainage & Waste Disposal
- Heat Producing Appliances
- Stairways, Ramps and Guards
- Conservation of Fuel & Energy
- Access for Disabled People

3. Do the Regulations have special requirements in relation to access for disabled?

Yes. The regulations aim to ensure that, as far as is reasonable and practicable, buildings should be suitable for use by people with disabilities. The requirements relate to access and use of buildings, sanitary conveniences and audience or spectator facilities, where appropriate. The requirements relating to disabled people do not apply to dwellings but do apply to the common areas of apartments and the like. Specific requirements include the provision of:

- at least one entrance accessible to wheelchair users;
- an internal layout which allows disabled people to circulate freely;
- passenger lift in buildings above a certain size;
- a proportion of guest bedrooms in hotels which are suitable for wheelchair users;
- unisex toilets suitable for the disabled;
- wheelchair spaces in theatres, cinemas, concert halls and sports stadia; and
- facilities for people with hearing impairments in theatres, cinemas, concert halls and places of religious worship.

If you are having construction work carried out, the work must meet the standards required under the regulations. The standards set effectively represent a code of good building practice. If the work you are doing is for residential or agricultural purposes, you must give a commencement notice to the building control authority (see Question 7 below). If the work involves other structures, such as a commercial or industrial building, you will also require, in addition to a commencement notice, a fire safety certificate from the building control authority before you commence the work (see Question 8 below). Commercial Buildings also require a Disabled Access Certificate (DAC) prior to occupation of the building. All new developments, both domestic and commercial, require a Building Energy Rating Certificate (BER) upon completion.

4. What if I'm just carrying out routine repairs?

The building regulations do not apply to routine repairs or maintenance. However, they generally do apply to extensions and to alterations of a substantial nature.

5. What if I fail to comply?

While the primary responsibility for compliance with the building regulations rests with designers, builders and building owners, building control authorities have powers to inspect design documentation and buildings as well as powers of enforcement and prosecution where breaches of the regulations occur. There are heavy penalties, including fines and imprisonment, for breaches of the regulations. In addition, you may find that when it comes to selling your property, you will have difficulties if you cannot satisfy the purchasers' solicitor that the requirements of the regulations have been met.

6. What control arrangements are in place?

Building control regulations have been made to supplement the basic system of enforcement referred to in Question 5 above. Four important control arrangements are provided for:

- Commencement Notice
- Fire Safety Certificate
- Disabled Access Certificate
- Building Energy Rating Certificate

7. What is a Commencement Notice?

The commencement notice is a simple notification to a building control authority that a person intends to carry out building works to which provisions of the building regulations apply. The notice must be given not more than 28 days and not less than 14 days before the commencement of works to which the regulations apply. A building control authority will then be in a position to monitor the construction of the building as they consider necessary. Commencement notices are not required for exempted development for the purposes of the Planning Acts, e.g. small extensions to dwellings which are specifically exempted under the planning code. Information on exempted development is given in other pages on this site, particularly doing work around the house, agricultural & farm development and planning for the business person.

Commencement notices are required, however, for all works which would require a fire safety certificate, irrespective of whether there is an exemption under the planning code.

8. Do I need a Fire Safety Certificate?

With the exception of houses and agricultural buildings, a fire safety certificate is required for all new buildings (including apartments and flats), as well as changes of use and most alterations and extensions to which building regulations apply. A fire safety certificate must be obtained before work is commenced. This requirement has been introduced as it is widely accepted that dangers from fire present a more serious threat to the safety of occupants of buildings than any other source.

9. Where do I get a Fire Safety Certificate?

Before you commence any work, you should apply to your local building control authority for a fire safety certificate. [Application forms](#) are available from the authority and should be submitted together with:

- plans and specifications for the building work,
- details of the proposed use and, where appropriate, of the existing use, of the building, and
- the appropriate fee (currently €2.90 per square metre of gross floor area, subject to a minimum of €125 and a maximum of €12,500).

Any application not enclosing all of these items will be rejected as invalid.

A disabled access certificate (DAC) is also required for all new commercial developments (including apartment blocks) as well as changes of use and most alterations and extensions to which the building regulations apply. A Disabled Access Certificate must be obtained before the development is occupied but, in practice, it may be more practical to obtain the DAC at the same time as the fire safety certificate.

All new developments, both domestic and commercial, require a Building Energy Rating certificate (BER) on completion. BER certificates are also required for existing buildings when OFFERED for sale or letting. Buildings advertised for sale or letting should include an energy performance indicator on any such advertisement.

10. How Long should it take to get a Fire Safety Certificate?

Normally two months, but this may be extended by written agreement between the applicant and the building control authority, e.g. when the authority seeks further information on your application. A fire safety certificate may be granted with or without conditions, or may be refused.

11. Can I appeal if I am refused a Fire Safety Certificate?

Yes. An applicant for a certificate can appeal against a refusal to [An Bord Pleanála](#) within a period of one month beginning on the day of the decision of the building control authority.

12. Must I also get bye-law approval?

No. The building regulations apply nationally and replace bye-laws (which only operated in some areas). Accordingly, the need for bye-law approval does not arise in relation to any development covered by the regulations.

13. Am I affected by the Building Regulations if I already have Building Bye-Law approval?

No. The building regulations do not apply to works which are carried out in accordance with a bye-law approval where plans were lodged with the local authority prior to 1st June 1992.

14. What if I have failed to comply with Building Bye-Laws?

Where any works to which bye-laws applied were carried out prior to 13 December, 1989 and are in breach of the bye-laws concerned (or where bye law approval was not sought), approval to the carrying out of the works will be deemed to have been granted, unless the building control authority took enforcement action before 1st December, 1992.

Further information relating to Building Standards can be viewed at: www.environ.ie/en/DevelopmentHousing/BuildingStandards/