



Circular Letter BC02-2021

Date: 1 April 2021

RE: Building Control (Commencement Notices) (Residential and Childcare Services Construction) Regulations 2021, (S. I. No. 156 of 2021).

To: The Chief Executive of each Local Authority

Dear Chief Executive,

The announcement by An Taoiseach on 30 March 2021, has signalled a phased easing of Covid restrictions in line with the plan set out in [COVID-19 Resilience & Recovery 2021: The Path Ahead](#).

In relation to construction, all residential construction projects can recommence on **12 April 2021**. In addition, early learning and childcare and school aged childcare services will be added to the list of essential services for construction activity during these restrictions to align with the current exemption to primary and secondary schools (where school building projects are progressing) and to allow important fire safety works to progress. These measures will continue up to the 4 May 2021, at which point the full re-opening of construction activity will be considered.





The Minister for Health will give these measures legal effect through regulations made under section 31A of the Health Act 1947 (No. 28 of 1947).

The Department is aware of the significant number of valid Commencement Notices (CNs) submitted to Building Control Authorities over recent months in accordance with article 8¹ of the Building Control Regulations 1997 (S. I. No. 496 of 1997). Due to Covid restrictions, many of the building projects associated with these CNs, could not commence within the 14 day period of time permitted in article 8. In the context of restrictions lifting for residential construction projects and construction activity relating to early learning and childcare or school aged childcare services on 12 April 2021, a new CN would normally be required for these building projects to now proceed. Such a new CN would need to be submitted not less than 14 days before the intention to actually commence on site. This requirement could further delay commencement of these building projects beyond 12 April 2021. Furthermore, it could lead to a large volume of CNs being re-submitted simultaneously over a short timeframe to Building Control Authorities.

Following An Taoiseach's announcement and in light of the significant number of valid CNs submitted to Building Control Authorities that could not commence during the period of Covid restrictions, Minister of State, Peter Burke TD, with responsibility for Planning and Local Government has made Building Control (Commencement Notices) (Residential and Childcare Services Construction) Regulations 2021, (S. I. No. 156 of 2021).

¹ *A person who intends to carry out any works, or to make a material change of use as regards a building to which this Part applies, shall give, to the building control authority in whose functional area the works or building are, is or will be situated, notice in writing of such intention (in these Regulations referred to as a "commencement notice") not less than fourteen days and not more than twenty-eight days before the commencement of the works or the making of the material change of use'.*



The purpose of these Regulations is to facilitate the prompt commencement, as a result of the lifting of Covid restrictions, of residential construction projects or construction activity relating to early learning and childcare or school aged childcare services for which a valid CN, submitted between 3 December 2020 and 28 March 2021, relates. The Regulations allow a person commence these works without submitting a new CN, provided that the works commence not later than 26 April 2021.

In the interest of clarity, these Regulations in no way interfere with the Building Control Authorities role in validating CNs in accordance with article 10 of the Building Control Regulations 1997 (S. I. No. 496 of 1997) and in particular these Regulations do not apply to CNs that have been invalidated in accordance with article 10 3 (a) of the Building Control Regulations 1997 (S. I. No. 496 of 1997).

Please find attached a copy of the Building Control (Commencement Notices) (Residential and Childcare Services Construction) Regulations 2021, (S. I. No. 156 of 2021).

Finally, the building control system plays an important role in facilitating construction activity and enforcing compliance with building standards to protect health, safety and welfare of persons using buildings. I would like to take this opportunity on behalf of the Department to thank the staff of Building Control Authorities and the National Building Control Office, for keeping the building control service operational during these challenging times.



ENQUIRIES

Further enquires about this circular should be addressed to Nason Fallon at buildingstandards@housing.gov.ie.

Stay safe.

Yours sincerely,

A handwritten signature in black ink that reads "Sarah Neary". The signature is written in a cursive style and is positioned above a horizontal line.

Sarah Neary

Principal Adviser

Building Standards Advisory

C.C. Director of Services for Building Control in each Local Authority

National Building Control Office

Building Control Officers

Chief Fire Officers