



NOTE ON FURTHER EXTENSION OF MEASURES INTRODUCED DURING THE COVID-19 EMERGENCY TO 9 FEBRUARY 2022

1. General

As a result of the Covid-19 pandemic, the Minister for Housing, Local Government and Heritage made the following Regulations and Order:

- Building Control Regulations 2020, S.I. No. 113 of 2020; and
- Building Control Act 1990 (Section 5) Order 2020, S.I. No. 112 of 2020.

They are intended to support the timely delivery of certain classes of buildings related to Covid-19 by reducing the administrative processes and requirements that could create potential time delays, while maintaining appropriate and reasonable building standards to secure the health, safety and welfare of people in and around buildings.

2. Building Control Regulations 2020, (S.I. No. 113 of 2020)

The Building Control Regulations 2020, (S.I. No. 113 of 2020) temporarily dis-apply certain provisions of the Building Control Regulations 1997 (S.I. No. 496 of 1997) in relation to works that are being carried out in response to Covid-19 and replace them with a streamlined notification process.

3. Building Control Act 1990 (Section 5) Order 2020, (S.I. No. 112 of 2020)

The Building Control Act 1990 (Section 5) Order 2020, (S.I. No. 112 of 2020) provides, for a limited period, a temporary dispensation, for State authorities, from the requirements of Part L 'Conservation of Fuel and Energy' of the Second Schedule to the Building Regulations.

4. Duration and Operation - '*relevant period*'

The duration of the operation of both the Regulations and Order is linked to the operation of Part 3 of the *Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020*.

The "relevant period" in both the Regulations and Order means the period commencing on 13 March 2020 and ending on the day on which Part 3 of the [Health \(Preservation and Protection and other Emergency Measures in the Public Interest\) Act 2020](#) (No. 1 of 2020) ceases to have effect by virtue of subsection (3) of section 2 of that Act;





[The Health and Criminal Justice \(Covid-19\) \(Amendment\) Act 2021](#) amended subsection (3) of section 2 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 to extend the operation of Part 3 of the Act to 9th November 2021. In addition, it provided for the possibility of a further extension (not exceeding 3 months) by resolution of both Houses of the Oireachtas.

A resolution that the amendments effected by Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 shall continue in operation for the period beginning 10th November 2021 and ending on 9th February 2022 has now been passed by both Houses of the Oireachtas.

On this basis, the Building Control Regulations 2020 and the Building Control Act 1990 (Section 5) Order 2020 shall continue in operation to 9th February 2022.

5. Key points to note

- a) Proposed works, or a material change of use, pursuant to Article 3(1) (a) and (b) of S.I. 113 of 2020 may continue to apply the '*works (Covid-19 crisis) notice*', provided that the works are carried out and completed during the relevant period,
- b) The application of Article 20C (Regularisation Certificates) of the Building Control Regulations 1997 – 2021, to relevant works, i.e. the requirement to obtain a Regularisation Certificate, has now been extended to 12 months from 9th February 2022,
- c) Similarly, the requirement to comply with the provisions of Part L of the Second Schedule to the Building Regulations has now been extended to 24 months from 9th February 2022,
- d) Works which cannot be carried out and completed during the relevant period, or works which do not relate to a building of a class specified in Schedule 1 should apply the 'normal' processes as required under the Building Control Regulations.
- e) A date of commencement of the works should be included in the development description on the '*works (Covid-19 crisis) notice*' should be included in the development description on the '*works (Covid-19 crisis) notice*'.

It is important to note that irrespective of the application of the '*works (Covid-19 crisis) notice*', the Building Regulations (Parts A – M, excluding Part L as referred to above) relevant to the works, must still be complied with.

1 December 2021