

## **Building Control (Amendment) Regulations 2018 (S.I. No. 526 of 2018)**

### **Frequently Asked Questions.**

#### **1. What is a Disability Access Certificate (DAC)?**

A Disability Access Certificate is a certificate granted by a Building Control Authority, which certifies that certain works if constructed in accordance with the granted Certificate, will comply with the requirements of Part M of the Building Regulations.

#### **2. What do the *Building Control (Amendment) Regulations 2018* do?**

The *Building Control (Amendment) Regulations 2018* clarify the requirements for DAC's as they relate to certain works. They are aligned to the requirements of Part M of the Second Schedule to the Building Regulations, and will primarily clarify the requirement for a DAC for existing buildings, when brought back into use.

#### **3. What are the principle changes to the Building Control Regulations?**

Primarily, the changes relate to Article 20D, which has been replaced in its entirety.

**Article 20D (1)** has been amended to set out the classes of buildings or works which require a DAC.

**Article 20D (2)** has been introduced to set out which buildings or works which do not require a DAC.

**Articles 20D (3) to 20D (11)** have been re-numbered to account for the new Articles 1 and 2. There have also been minor amendments to **Article 20E**, and to the **Third**, and the **Fourth Schedule**, owing to the re-numbering of Article 20D.

#### **4. When do the *Building Control (Amendment) Regulations 2018* come into effect?**

The *Building Control (Amendment) Regulations 2018*, which relate to DAC's, come into effect on 17 December 2018.

#### **5. Has there been any change to Part M of the Building Regulations?**

No! The Requirement of Part M (Access and Use) of the Second Schedule to the Building Regulations or the associated Technical Guidance Document M 2010 have not changed.

#### **6. When is a Disability Access Certificate required?**

A Disability Access Certificate is required for the following classes of buildings:

- a. The construction of a new building,
- b. The material alteration (excluding minor works) of:
  - i. a day centre,
  - ii. a hotel, hostel or guest building, or
  - iii. an institutional building, or
  - iv. a place of assembly, or
  - v. a shopping centre,
- c. The material alteration of a shop, office or industrial building where
  - i. additional floor area is being provided, or

- ii. the building is being subdivided into a number of units for separate occupancy,
- d. The extension of a building by more than 25 square meters,
- e. The material change of use where the building becomes used as:
  - i. a day centre,
  - ii. a hotel, hostel or guest building,
  - iii. an institutional building,
  - iv. a place of assembly,
  - v. a shop (which is not ancillary to the primary use of the building), or
  - vi. a shopping centre.

### **7. When is a Disability Access Certificate not required?**

A Disability Access Certificate is not required for:

- a. An agricultural building,
- b. A dwelling (other than a flat),
- c. A garage ancillary to a dwelling,
- d. Certain other buildings ancillary to a dwelling,
- e. A building used solely to enable inspection, repair or maintenance of fixed plant, building services, or machinery.

It is also not required for the Material Alteration to a flat, the extension to a flat or a material change of use as defined by Section 3(3) of the Act. A DAC is also not required where there is no requirement of Part M of the Second Schedule to the Building Regulations.