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NEW BUILDING REGULATIONS REDUCE PROFESSIONALISM AND FUEL BLACK ECONOMY

The Association of Consulting Engineers of Ireland (ACEI) has called on Ministers Alan Kelly T.D. and Paudie Coffey T.D. to immediately withdraw the Building Control (Amendment) (No 2) Regulations 2015 (SI 365). The regulations, introduced on 1st September 2015, enable owners of single houses or extensions an option to "opt-out" of the requirement to obtain statutory certificates of compliance with building regulations in relation to the building concerned.

One year after the implementation of the 2014 Amendment, Ministers Kelly and Coffey instigated a review of the amendment and consultation process with the industry. The outcome of this consultation process was published on 30th June 2015 by the Department of the Environment, Community and Local Government. The publication identifies that "62% of respondents favoured mandatory statutory certification remaining in place. 38% of respondents supported statutory certification becoming advisory rather than mandatory."

The ACEI President, Kevin Rudden states: "We fail to understand why the Ministers have rejected the outcome of the consultation process that they initiated, along with the collective wisdom of the industry and their own department, to provide an "opt-out" of Statutory Certification for single domestic dwellings and extensions. This is akin to providing an "opt-out" from the necessity to obtain an NCT certificate for those who service their own cars, while insisting that cars serviced by main dealers must obtain an NCT certificate." He goes on to say: "the introduction of the Building Control (Amendment) (No 2) Regulations 2015 (SI 365) is a retrograde step, which removes a fundamental and valuable piece of consumer protection legislation. The Ministers' decision to provide the "opt-out" option does not appear to align with the Department's goal to protect the consumer. ACEI believes this action will facilitate non-compliance, reduce professionalism in the building industry and fuel the black economy to the detriment of the regulated industry."

Consumers in this segment of the market are vulnerable and need the protection of regulation. They are likely to be unduly influenced by short-term financial considerations without considering the unintended overall health and safety risks to their family or effect that an "opt-out" would have on the long-term value of their greatest asset.

Building owners who "opt-out", cannot guarantee the quality and safety of their dwelling to potential buyers and therefore will struggle to sell their houses. A competent buyer and their legal representatives will seek all relevant documentation demonstrating that the home they are buying is safe and that it provides a modern, healthy environment in which to raise a family as well as keeping heating, water and energy bills low. Ultimately those consumers will not appreciate the short-term gain offered by the recent amendment.

The Association of Consulting Engineers of Ireland (ACEI) – established in 1938 - is a voluntary self-regulatory professional body representing the business and professional interests of firms and individuals engaged in Consulting Engineering.

As the voice of the Consulting Engineering profession, it assists in resolving issues of importance for clients and Consultants alike and contributes to the development of relevant public policy through involvement in Working Groups, Government Committees, and the development of model Conditions of Engagement, and policy papers.

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