



Section 22 (7) of the Building Control Act 1990, contains a most helpful amnesty with regard to works executed prior to 13th December, 1989 in contravention of bye-laws.

Section 19 of the Local Government (Planning and Development) Act, 1992 introduced important alleviations in relation to enforcement procedures under the planning legislation. These are dealt with comprehensively in an article by John Gore-Grimes published at page 383 et seq of the Gazette for December, 1992 (Vol. 86 No. 10)¹.

A vendor, anxious to avail of the foregoing amnesty and/or alleviations or any extension thereof and to rely on same, should disclose the non-conforming matter in his Special Conditions (possibly detailing appropriate dates and other relevant data by way of Statutory Declaration) and provide (likewise by Special Condition) for any required consequential relaxation in, or departure from, the application of General Condition 36.

Failure to cover a non-confirming issue as suggested or in some other appropriate manner will mean that the full vigour of General Condition 36 will continue to operate with resultant exposure on foot of the warranties therein specified.

It should be mentioned that the latest (1991) edition of the Society's General Conditions of Sale was published prior to the coming into operation of the Building Control Act, 1990, and its attendant regulations, and same are, therefore, not referred to therein. Accordingly, any party desiring to provide for evidence of compliance with such regulations should cater for same by way of Special Condition.

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*1. Reproduced at page 7.27
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