



**PLANNING/
BUILDING
REGULATIONS**

**FORMS OF
CERTIFICATE OF
COMPLIANCE**

The Conveyancing Committee has been working for a considerable period on the preparation of new forms of Certificates of Compliance to replace the form of certificate of compliance with Planning and Building Bye-Laws originally published by the Law Society in the Gazette in November 1978.

Four new forms of certificate of compliance and a memorandum explaining their important features are attached.¹

The RIAI have published a set of five Architects Opinion on Compliance and the RIAI have very kindly agreed to send a full set of these five specimen forms to each firm of solicitors in the Country. With this Newsletter is a memorandum explaining their important features as far as the Law Society are concerned.

The Committee would prefer Solicitors to get certificates of compliance on the Law Society forms and Solicitors should try to negotiate that its forms will be used where possible.

It is suggested that Solicitors should insert the RIAI forms and the attached documentation in their copy of the Conveyancing Handbook. As soon as all the guidelines are issued the Committee will be revising Chapter 7 of the Handbook which deals with planning.

The Committee is aware that Solicitors have tended to exercise caution in relation to the qualifications of persons from whom they will accept certificates of compliance. The reason for this is obvious. If a Solicitor advises a client to accept a Certificate of compliance in relation to a development such as a house or a house extension from a person who is not adequately qualified and a problem arises the Solicitor will almost certainly be liable in negligence on the basis that he should not have accepted or recommended acceptance of the certificate from a person who was not adequately qualified.

When advising a client in a house purchase transaction regarding any material point such as whether a Certificate of Compliance relative to a house or extension is in an acceptable form or given by a person with an acceptable qualification Solicitors usually apply a three-fold test:

1. In the Solicitor's own opinion is the particular matter in order and in accordance with good conveyancing practice?;
2. Will it be acceptable under the rules or guidelines of the Bank or Building Society from whom the client is borrowing?; and,
3. Will it be acceptable to most other Solicitors if the property were to be put up for sale again in the near future?

If the answer to any of these questions is in the negative the Solicitor will normally advise

1. Two of these forms for Full Service and Part Service re Planning and Building Regulations can also be accessed by logging on to the Members' area of the Law Society website www.lawsociety.ie and clicking on Society Committees, Conveyancing, and Precedent Documentation.



his or her client not to accept the situation and to advise the client not to proceed with the transaction unless the particular difficulty is resolved. Solicitors apply somewhat similar tests in relation to commercial property but obviously the requirements are more variable and more stringent in relation to the same.

If a query arises over the qualification of a certifier the Solicitor should take care to make it clear that he or she is not making the decision but is advising the purchaser and that the final decision in the matter of whether to proceed with the purchase or not is the clients. Most purchasers, particularly those borrowing, will tend to be cautious and accept their Solicitor's advice but some will take a commercial judgment and proceed despite what the Solicitor perceives as a problem. Obviously if a client decides to proceed despite the Solicitor's concerns, it is good practice for the Solicitor to confirm the advice in writing. Solicitors should also bear in mind that while the Law Society will assist and advise its members in regard to best practice none of this can absolve the individual solicitor from his responsibility to the client. Each solicitor must look at each individual case on its own merits.

The Committee is carrying out a review of this whole area and will issue further guidelines when the practice in relation to the use of the various certificates has settled down. The Society intends to hold several seminars to explain the certificates and to assist practitioners in dealing with the complicated issues that arise in relation to this increasingly complex area.

The Conveyancing Committee is preparing draft requisitions pending revision of the printed forms and these will be issued as soon as possible.

LAW SOCIETY FORMS OF CERTIFICATE OF COMPLIANCE FOR CONVEYANCING

The Society has prepared four forms of certificate of compliance **which are set out at the end of this newsletter**. These are:-

1. A certificate of compliance with planning permission and building regulations, full service.
2. A certificate of compliance with planning permission and building regulations, part service.
3. A certificate of compliance with planning permission and building bye-laws, full service.
4. A certificate of compliance with planning permission and building bye-laws, part service.

Part Service means that the certifier designs the house, obtains planning permission

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therefor but does not make periodic inspections in the course of construction and gives a certificate based on one inspection when the house is practically completed.

Full Service means a case where the certifier designs the house, obtains planning permission therefor and makes periodic inspections while the building is being constructed.

Normally a certifier would give a full service in connection with larger developments and part service would only arise in connection with speculative developments.

These forms have been agreed with the following professional bodies and will be used when appropriate by their Architects and Building Surveyors. Enquiries regarding membership can be made to the contact points listed below where a register is kept.

1. The Irish Architects Society. It has its registered offices at 35 Fitzwilliam Place, Dublin 2. Phone Number (01)6688685. The Honourary Secretary is John C. O'Grady, 67 Grosvenor Road, Dublin 6. Phone Number (01)4979990 and (01)4979620. Fax Number (01)4976777.
2. The Incorporated Association of Architects and Surveyors, Irish Branch. It has its office at Hogan House, Hogan Place, Dublin 2. Phone Number (01)6613022, Fax (01)6613130.
3. The Architects and Surveyors Institute. ~~Its Secretary is Arthur Dunne who can be contacted at 7 Woodbine Park, Blackrock, County Dublin Phone Number (01)2694462. Its memberships officer's name is Des Holmes Phone number (01)2862369.~~
4. The Society of Chartered Surveyors, 5, Wilton Place, Dublin 2, Phone Number (01)676 5500, (01)6763276. The General Secretary is Tony Smyth.

The following points should be noted:-

1. There are notes at the end of each form are intended to assist those filling them in.
2. The forms are not sacrosanct and should be adapted to meet the circumstances of any particular case.
3. Compliance of the design with building regulations is just as important as compliance of the construction and, therefore the form of certificate of compliance based on the original agreed form of certificate of compliance originally published in 1978, which did not separate design and construction, would not be appropriate in relation to certification of compliance with building regulations.
4. The Building Control Act and the Regulations thereunder provide for a notice called a Commencement Notice to be given to the Building Control Authority by relevant parties. While Building Control Authorities keep a register for their own use neither the Act nor any of the Regulations give the public a right of access to it and after a lapse of time, there will be extreme difficulty and indeed it may often prove

**NOTICE OF
CHANGE OF ADDRESS**

The contact name and details for Arthur Dunne and Des Holmes of the Architects and Surveyors Institute should no longer be used. Practitioners should instead contact:-

*Mr. Kevin Sheridan,
45 Mount Anville Park,
Dublin 14.*

Telephone No 01 607 0500

Fax No 01 607 0651

Mobile 'phone 087 222 3985

E-mail address

sheridankc@eircom.net

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impossible to establish whether a Commencement Notice was or was not served in relation to any particular development. It is clearly very important for the maintenance of good standards of building that Building Control Authorities monitor building standards. The service of Commencement Notices in every case will be an important ingredient in this process. The maintenance of such standards however and taking a tough line with persons who fail to serve Commencement Notices or breach the Act or Regulations is a matter for the Building Control Authorities. It hardly seems reasonable however that the failure to serve a Commencement Notice should make a particular property unsaleable. The effect of not serving the Commencement Notice in any case is that the person or persons carrying out the development commits an offence but this should not impact on a subsequent owner. In most cases, therefore, it seems reasonable for Solicitors for subsequent owners not to concern themselves unduly about whether a Commencement Notice was served or not. The Committee sees no point in insisting on the production of a copy of the Commencement Notice if such copy is not readily available.

5. The Building Control Act and the Regulations thereunder also impose an obligation on the relevant parties to apply for a Fire Safety Certificate in relation to all new structures other than single dwellings, (not being flats) and in relation to any material developments by way of extension alteration or change of use. The Building Control Regulations provide for an official register to be kept of all applications for Fire Safety Certificates and the decision in relation thereto and whether an appeal was made against the decision. This Register will be available to the public. It is clear that Fire Safety Certificates and their compliance are going to be of vital importance for Conveyancers. The tenor of the Act and the relevant Regulations obviously intend that that a Fire Safety Certificate would be obtained before the development commences. Indeed where a FSC is required in relation to the erection of any building or the material extension or alteration of any building it is an offence to start work without first getting the Fire Safety Certificate. It is already clear that this is not always going to happen, particularly in relation to fitting out buildings where retailers are in a hurry to get a shop open. The Fire Safety Certificate procedure is a paper exercise only. Plans, specification and various particulars are submitted and in due course the Building Control Authority, assuming the submissions are in order, issues the Fire Safety Certificate either subject to conditions or not which in effect says that provided that the development is carried out in accordance with the details submitted, and presumably any conditions thereof, that it complies with the Fire Section of the Building Regulations. Solicitors are already being asked to accept situations where the development is carried out first and the Fire Safety Certificate is obtained later. There does not seem to be any serious problem for a subsequent owner in accepting such a situation because any offence is committed by the party or parties obliged to

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- obtain the Fire Safety Certificate or carrying out the work. Solicitors should take care that the Certificate of Compliance they get deals fully with the situation. It would be particularly important to have clear confirmation in such a case that any conditions of a Fire Safety Certificate had been complied with.
6. The Committee has been advised that it would be almost impossible for an Architect or Engineer who was not involved in the design to certify compliance of a structure or works with the Building Regulations or with a Fire Safety Certificate. Even in the case of fitting out a building therefore it would be extremely unwise for a person to have such work commenced unless an appropriately qualified person whose certificate was likely to be accepted by conveyancers was involved in the design of the work and made sufficient inspections to be able to later issue a certificate of compliance.
 7. Most commercial and industrial buildings have Architects and Engineers involved in the design and making inspections while the building work is being carried out. Most largescale housebuilding is designed by an Architect or Engineer but is not inspected in the course of construction. The Architect or Engineer in due course gives a certificate of compliance based on a single visual inspection at completion. Most once-off houses do not have an Architect or Engineer involved and this and extensions and conversions to private houses is the sector where most problems are likely. Persons borrowing from a Building Society when building a new house are normally required to have an appropriately qualified person involved who will be able to certify that they designed and carried out inspections of the structure at certain stages of construction. It seems likely that there are going to be problems for some people who have houses built, converted or extended without professional guidance and indeed some houses are likely to be unsaleable as a result.
 8. In relation to Building Bye Laws, Solicitors should note the provisions of Section 22 (7) of the Building Control Act, 1990, where an amnesty is granted to work carried out prior to the 13th December 1989, and approval of such works under the Building Bye Laws is deemed to have been granted. Proceedings shall not be taken on the basis of non compliance with Building Bye Laws unless before 1st December 1992 the Local Authority served a notice on the owner stating the works constituted a danger to public health or safety.
 9. The Committee has agreed to monitor the operation of the forms of certificate with the Professional bodies mentioned above and to review them in the light of experience. The use of the two certificates referring to Building Bye-Laws will gradually disappear over the next five years.
 10. It has been decided not to advise Solicitors to ask for confirmation or verification of the existence and adequacy of certifiers Professional indemnity Insurance. The position in this respect will be kept under review.



CONVEYANCING PURPOSES¹

Most Architects in Ireland are members of the Royal Institute of Architects of Ireland. This institute has offices at 8 Merrion Square, Dublin 2, Phone Number (01)6761703. Its General Secretary is John Graby.

The RIAI has recently published five² forms of Architects opinion on compliance. These are:

Form 1. ARCHITECT'S OPINION ON COMPLIANCE WITH BUILDING REGULATIONS

This is a form for use where a professional Architectural service has been provided at the design and construction stage of the relevant building or works.

Form 2. ARCHITECT'S OPINION ON COMPLIANCE WITH BUILDING REGULATIONS

This is a form for use for Buildings or works in connection with which a design only service has been provided and where a fire safety certificate is not required.

Form 3. ARCHITECT'S OPINION ON EXEMPTION FROM BUILDING REGULATIONS

This form is for use for Buildings or works exempt from any need for compliance with building regulations.

Form 4. ARCHITECT'S OPINION ON COMPLIANCE WITH PLANNING PERMISSION AND OR EXEMPTION FROM PLANNING CONTROL

Form 5. ARCHITECT'S OPINION ON COMPLIANCE WITH PLANNING PERMISSION AND/OR BYE-LAW APPROVAL

The following points should be noted regarding these certificates:-

1. Copies can be obtained at a cost of £3 each from the RIAI.
2. The RIAI forms refer at the commencement to its member being a registered member of the RIAI this being a Qualification listed in directive 384/85/EEC (The Architects Directive). The Society feels that this is completely unnecessary and should not be included in certificates by Irish Architects in relation to domestic developments.
3. Form 4 of the RIAI forms deals only with compliance with planning and/or exemption from Planning control. The Society feels that this is a good idea and will probably adopt a similar practice when it revises its own forms.
4. All five forms have attached advice notes as to their completion. In the Society's opinion both the certificates and the advice notes are quite complicated and not very user friendly. Solicitors should check that any certificate they are asked to accept has been completed prima facie in accordance with the advice note. This is not to say that the advice notes should be followed slavishly merely that they should only be

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1. Specimen RIAI forms are set out in the Appendix to this handbook with the kind permission of the RIAI

2. A sixth form - FORM 1A (APARTMENTS) - was later published by the RIAI in March 1997 and a seventh form - FORM 1B (Apartments) was published in 2001



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departed from for good reason. The Society would have preferred the certificates to be given on the certifiers notepaper as is envisaged in the Society's own forms. Also details such as the Architects membership number and the membership stamp are not something that the Society feels are necessary but if Solicitors are accepting an RIAI form of certificate it is probably better to get these details completed. The former will facilitate checking an Architects qualifications. The Society has never recommended that Solicitors advise clients to accept certificates of opinion based solely on the membership of any Institute and has not changed its view in this respect.

5. The original form of Architects certificate of compliance was drafted jointly by the Law Society and the RIAI and was published as an agreed form. The five new forms were prepared by the RIAI. A sub-committee of the Conveyancing Committee agreed on behalf of the Society to recommend that Solicitors accept these forms in appropriate cases. This recommendation relates to the March, 1993 issue of the forms and subsequent forms. Earlier editions contained some printing errors.
6. Form 3; Architects Opinion on Exemption from Building Regulation deals with different situations where relevant buildings or works are exempted from the Buildings Regulations for one reason or another. One of the alternative suggested wordings reads:

“I am advised by the Employer that the Relevant Building or Works were commenced prior to 1st June 1992 and based on this information I am of the opinion that the Relevant Building or Works is exempt form any need for compliance with the Building Regulations.”

The information given to the architect is of course heresay and any solicitor would seek corroboration of the facts from someone who was actually aware of his own knowledge that the work had in fact so commenced. This would normally be confirmed by statutory declaration.



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SPECIMEN CERTIFICATE

CERTIFICATE OF COMPLIANCE

I, CERTIFY as follows:-

1. I am an having qualified as such at in the year and I am a Member of The
 2. I have been in independent private practice on my own account since the year or thereabouts
- OR
- I am a Partner in (or a Member of) the above named Firm of in independent private practice.
3. I am the /my said Firm are the retained by to design and make periodic inspection during the course of construction of (insert precise description of buildings or works) known as situate at in the of such building or works being hereinafter referred to as “the Relevant Works”.
 4. The Plans and other particulars on foot of which there were granted or issued the Permission/Approval and the Fire Safety Certificate mentioned respectively in paragraphs 5 and 6 hereunder were prepared by me / by my said Firm.
 5. The Grant of Permission/Approval - Decision Order No. dated the day of , 19 Planning Reference No. - relates to the Relevant Works.
 6. The Fire Safety Certificate (Reference No.) dated the day of , 19 also relates to the Relevant Works.
 7. The Relevant Works and the services thereof have been designed in substantial conformity with the Building Regulations made pursuant to the Building Control Act, 1990.
 8. Commencement Notice of the intention to undertake the Relevant Works was duly given on the day of in accordance with the Building Control Regulations, 1991 and such Notice contained or was accompanied by the information and particulars prescribed by the said Regulations.
 9. I made periodic inspections of the Relevant Works during the construction thereof



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AND in my opinion the construction of the same complies substantially with the Grant of Permission/Approval mentioned in Paragraph 5 hereof and substantially with all the said Building Regulations applicable thereto.

10. No Planning Permission other than that referred to at paragraph 5 aforesaid is pertinent to the Relevant Works.
11. I consulted with the Fire Authority and ascertained its requirements in relation to the Relevant Works AND in my opinion the said requirements have been complied with in the erection thereof.
12. The conditions of the Permission/Approval referred to at paragraph 5 relating to the Estate of which the Relevant Works form part have been substantially complied with in so far as is reasonably possible at this stage of the development of such Estate BUT this paragraph is not to be taken as extending to conditions for the payment of financial contributions or the giving of security for satisfactory completion compliance with which is not within my competence to certify.
13. In the event that the Relevant Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said Permission/Approval any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through such Permission/Approval.
14. TAKE NOTE that this Certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the requirements of Planning Legislation and of the Building Control Act, 1990 and the Regulations thereunder. Except insofar as it relates to compliance with the said requirements and Regulations it is not a report or survey on the physical condition or on the structure of the Relevant Works NOR does it warrant, represent or take into account any of the following matters:-
 - (a) the accuracy of dimensions in general save where arising out of the conditions of the Permission/Approval or the Building Regulations aforesaid
 - (b) the following conditions, compliance with which cannot be established:
 Planning Reference No: Conditions
 - Planning Reference No: Conditions
 - (c) matters in respect of private rights or obligations
 - (d) matters of financial contribution and bonds
 - (e) development of the Relevant Works which may occur after the date of issue of this Certificate.

Dated the day of 19

Signed



NOTES: The original of the foregoing Certificate should be furnished on the Certifier's headed notepaper.

The following advices (referenced to the correspondingly numbered paragraphs above) are for the guidance of the Certifier, and should not be incorporated in or added to the Certificate, of which they do not form part.

5. Insert here details of all Grants of Permission which are pertinent to the Relevant Works. (If there is more than one such Permission or if there is an Approval on foot of an Outline Permission, appropriate adjustments should be made throughout the Certificate).

OR

If the subject matter is exempted development as defined by the Local Government (Planning and Development) Acts, 1963 to 1992, so indicate and state why.

6. Insert here details of all pertinent Fire Safety Certificates

OR

If there was no requirement for the obtaining of a Fire Safety Certificate, so indicate and state why.

- 7/9. Where elements of design, inspection or construction involve others, it may be appropriate to refer to, and attach, Certificates from such others, and to indicate the measure of reliance placed on same.

8. Insert here details of all Commencement Notices

OR

If no Commencement Notice was required to be given, so indicate and state why.

11. This Paragraph should be included where there is a requirement in the Grant of Permission/Approval to consult with the Fire Authority or the Fire Officer.

12. Include this paragraph where the Relevant Works form part of an Estate.

13. Ensure that the Relevant Works accord with the planning unit which is the subject of the Permission/Approval.

14. The list of non-warranted items may be expanded to include structural calculations where there is available a separate Certificate/Report covering same from an Independent Structural Engineer.

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- I, certify AS FOLLOWS:
1. I am an having qualified as such at in the year AND I am a member of The
 2. I have been in independent private practice on my own since the year or thereabouts
OR
I am a Partner in (or a Member of) the above named Firm of in independent private practice.
 3. I am the /my said Firm are the retained by to design the (insert precise description of building or works) situate at in the of such building or works being hereinafter referred to as “the Relevant Works”.
 4. The Plans and other particulars on foot of which there was granted the Permission /Approval mentioned in paragraph 5 hereunder were prepared by me/by my said Firm.
OR
I visited the office of the Planning Authority and there inspected the house plans, estate layout plan, specifications and other drawings and documents which were represented by the Planning Authority as those on foot of which the Permission/Approval mentioned at Paragraph 5 hereunder was granted.
 5. The Grant of Permission - Decision Order No. dated the day of , 19 Planning Reference No. relates to the Relevant Works.
 6. The Relevant Works and the services thereof were designed by me/my said Firm in substantial conformity with the Building Regulations made pursuant to the Building Control Act, 1990.
 7. Commencement Notice of the intention to undertake the Relevant Works was duly given on the day of in accordance with the Building Control Regulations, 1991 and such Notice contained or was accompanied by the information and particulars prescribed by the said Regulations.



8. I have inspected the Relevant Works AND in my opinion the construction thereof complies substantially with the Permission/Approval mentioned in paragraph 5 hereof.
9. The position of the Relevant Works and of the site thereof is in substantial compliance with the estate layout presented to the Planning Authority in so far as the estate has been completed.
10. No Planning Permission other than that referred to at paragraph 5 aforesaid is pertinent to the Relevant Works.
11. The conditions of the Permission/Approval referred to at paragraph 5 relating to the Estate of which the Relevant Works form part have been substantially complied with in so far as is reasonably possible at this stage of the development of such Estate BUT this paragraph is not to be taken as extending to conditions for the payment of financial contributions or the giving of security for satisfactory completion compliance with which is not within my competence to certify.
12. In the event that the Relevant Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said Permission/Approval any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through such Permission/Approval.
13. I did not supervise the construction of the Relevant Works and my inspection thereof, which was made on the day of 19 was visual only. This inspection did not entail the opening up of works, which had been fully / substantially completed on said date. To the extent that such inspection allowed, and not taking into account matters which were inaccessible to me, I am of the opinion that the Relevant Works have been constructed in substantial compliance with the Building Regulations aforesaid.
14. TAKE NOTE that this certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the requirements of Planning Legislation and of the Building Control Act, 1990 and the Regulations thereunder. Except insofar as it relates to compliance with the said requirements and Regulations it is not a report or survey on the physical condition or on the structure of the Relevant Works NOR does it warrant, represent or take into account any of the following matters:-
 - (a) the accuracy of dimensions in general save where arising out of the conditions of the Permission/Approval or the Building Regulations aforesaid
 - (b) the following conditions, compliance with which cannot be established:
 Planning Reference No: Conditions
 - Planning Reference No: Conditions
 - (c) matters in respect of private rights or obligations
 - (d) matters of financial contribution and bonds

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- (e) development of the Relevant Works which may occur after the date of the said inspection.

Dated the day of 19

Signed

NOTES: The original of the foregoing Certificate should be furnished on the Certifier's headed notepaper.

The following advices (referenced to the correspondingly numbered paragraphs above) are for the guidance of the Certifier, and should not be incorporated in or added to the Certificate, of which they do not form part.

- 4. If the subject matter is exempted development as defined by the Local Government (Planning and Development) Acts, 1963 to 1992, so indicate and state why.

(Delete Paragraph 5/renumber subsequent Paragraphs).

- 5. Insert here details of all Grants of Permission which are pertinent to the Relevant Works. (If there is more than one such Permission or if there is an Approval on foot of an Outline Permission, appropriate adjustments should be made, throughout the Certificate).

- 6/13. Where elements of design, inspection or construction involve others, it may be appropriate to refer to, and attach, Certificates from such others, and to indicate the measure of reliance placed on same.

- 7. Insert here details of all Commencement Notices.

OR

If no Commencement Notice was required to be given, so indicate and state why.

- 11. Include this Paragraph where the Relevant Works form part of an Estate.
- 12. Ensure that the Relevant Works accord with the planning unit, which is the subject of the Permission/Approval.
- 14. The list of non-warranted items may be expanded to include structural calculations where there is available a separate Certificate/Report covering same from an Independent Structural Engineer.



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I, CERTIFY as follows:

1. I am an having qualified as such at in the year AND I am a member of The
 2. I have been in independent private practice on my own account since the year or thereabouts
- OR
- I am a Partner in (or a Member of) the above named Firm of in independent private practice.
3. I am the /my said Firm are the retained by to design and make periodic inspection during the course of construction of (insert precise description of building or works) known as situate at in the of such building or works being hereinafter referred to as “the Relevant Works”.
 4. The Plans and other particulars on foot of which there were granted or issued the Permission/Approval and the Notice of Approval mentioned respectively in paragraphs 5 and 6 hereunder were prepared by me/by my said Firm.
 5. The Grant of Permission/Approval - Decision Order No. dated the day of 19 Planning Reference No. relates to the Relevant Works.
 6. The Notice of Approval under the Building Bye-Laws, which Notice is dated the day of 19 and was issued under Reference Number also relates to the Relevant Works.
 7. The Relevant Works and the services thereof have been designed in substantial conformity with the relevant Building Bye-Laws for the time being in force.
 8. I made periodic inspections of the Relevant Works during the construction thereof AND in my opinion the construction of the same complies substantially with the Permission/Approval mentioned in Paragraph 5 hereof and substantially with all the said Building Bye-Laws applicable thereto.
 9. No Planning Permission other than that referred to at Paragraph 5 aforesaid is



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- pertinent to the Relevant Works.
10. I consulted with the Fire Authority and ascertained requirements in relation to the Relevant Works AND in my opinion the said requirements have been complied with in the erection thereof.
 11. The conditions of the Permission/Approval referred to at Paragraph 5 relating to the Estate of which the Relevant Works form part have been substantially complied with in so far as is reasonably possible at this stage of the development of such Estate BUT this paragraph is not to be taken as extending to conditions for the payment of financial contributions or the giving of security for satisfactory completion compliance with which is not within my competence to certify.
 12. In the event that the Relevant Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said Permission/Approval any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through such Permission/Approval.
 13. TAKE NOTE that this Certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the requirements of Planning Legislation and of the Building Bye Laws. Except insofar as it relates to compliance with the said requirements it is not a report or survey on the physical condition or on the structure of the Relevant Works NOR does it warrant, represent or take into account any of the following matters:-
 - (a) the accuracy of dimensions in general save where arising out of the conditions of the Permission/Approval or the Building Bye-Laws aforesaid
 - (b) the following conditions, compliance with which cannot be established:
 Planning Reference No: Conditions
 - Planning Reference No: Conditions
 - (c) matters in respect of private rights or obligations
 - (d) matters of financial contribution and bonds
 - (e) development of the Relevant Works which may occur after the date of issue of this Certificate

Dated the day of 19

Signed

NOTES: The original of the foregoing Certificate should be furnished on the Certifier's headed notepaper.

The following advices (referenced to the correspondingly numbered paragraphs above) are for the guidance of the Certifier, and should not be incorporated in or added to the Certificate, of which they do not form part.



- 4/5. If the subject matter is exempted development as defined by the Local Government (Planning and Development) Acts, 1963 to 1992, so indicate and state why. Further, so far as relevant, adjust the word of Paragraph 4 to cover the plans and particulars prepared for Bye-Law purposes.
5. Insert here details of all Grants of Permission which are pertinent to the Relevant Works. (If there is more than one such Permission or if there is an Approval on foot of an Outline Permission, appropriate adjustments should be made, throughout the Certificate).
6. Insert here details of all pertinent Notices of Approval. (If there is more than one, appropriate adjustments should be made throughout the certificate)
OR
If there was no requirement to obtain Building Bye-Law Approval, so indicate and state why.
- 7/8. Where elements of design, inspection or construction involve others, it may be appropriate to refer to, and attach, Certificates from such others, and to indicate the measure of reliance placed on same.
10. This Paragraph should be included where there is a requirement in the Grant of Permission/Approval to consult with the Fire Authority or the Fire Officer.
11. Include this Paragraph where the Relevant Works form part of an Estate.
12. Ensure that the Relevant Works accord with the planning unit, which is the subject of the Permission/Approval.
13. The list of non-warranted items may be expanded to include structural calculations where there is available a separate Certificate/Report covering same from an Independent Structural Engineer.

PLANNING/ BUILDING REGULATIONS

FORMS OF CERTIFICATE OF COMPLIANCE

(Contd.)



**PLANNING/
BUILDING
REGULATIONS**

Part Service/
Building Bye-Laws
Planning

**FORMS OF
CERTIFICATE OF
COMPLIANCE**

(Contd.)

SPECIMEN CERTIFICATE

CERTIFICATE OF COMPLIANCE

- I, CERTIFY as follows:
1. I am an having qualified as such at in the year AND I am a member of The
 2. I have been in independent private practice on my own account since the year or thereabouts
- OR
- I am a Partner in (or a Member of) the above named Firm of in independent private practice.
3. I am the /my said Firm are the retained by to design the (insert precise description of building or works) situate at in the of such building or works being hereinafter referred to as “the Relevant Works”.
 4. (a) The Plans and other particulars on foot of which there was granted the Permission/Approval mentioned in Paragraph 5 (a) hereunder were prepared by me/by my said Firm.
(b) The Relevant Works and the services thereof were designed by me/my said Firm in substantial conformity with the relevant Building Bye-Laws for the time being in force
- OR
- I visited the office of the Planning Authority and there inspected the house plans, estate layout plan, specifications and other drawings and documents which were represented by the Planning Authority as those on foot of which:
- (i) was granted the Permission/Approval mentioned at Paragraph 5 (a) hereof
AND
 - (ii) was issued the Notice of Approval referred to at Paragraph 5 (b) hereof.
5. (a) The Grant of Permission - Decision Order No. dated the day of 19 Planning Reference No relates to the Relevant Works
(b) The Notice of Approval under the Building Bye Laws which Notice is dated the day of 19 and was issued under Reference Number relates to the Relevant works.



6. I have inspected the Relevant Works and in my opinion the construction thereof complies substantially with the Permission/Approval mentioned in Paragraph 5 (a) hereof.
7. The position of the Relevant Works and of the site thereof is in substantial compliance with the estate layout presented to the Planning Authority in so far as the estate has been completed.
8. No Planning Permission other than that referred to at Paragraph 5 (a) aforesaid is pertinent to the Relevant Works.
9. The conditions of the Permission/Approval referred to at Paragraph 5 (a) relating to the Estate of which the Relevant Works form part have been substantially complied with in so far as is reasonably possible at this stage of the development of such Estate BUT this paragraph is not to be taken as extending to conditions for the payment of financial contributions or the giving of security for satisfactory completion compliance with which is not within my competence to certify.
10. In the event that the Relevant Works and the site works pertaining thereto have not been built and/or laid out exactly in accordance with the said Permission/Approval any disparity is unlikely to affect the planning and development of the area as envisaged by the Planning Authority and expressed through such Permission/Approval.
11. I did not supervise the construction of the Relevant Works and my inspection thereof, which was made on the day of 19 was visual only. This inspection did not entail the opening up of works, which had been fully/substantially completed on said date. To the extent that such inspection allowed, and not taking into account matters which were inaccessible to me, I am of the opinion that the Relevant Works have been constructed in substantial compliance with the relevant Building Bye-Laws as stipulated for in the Notice of Approval mentioned in Paragraph 5 (b) hereof.
12. TAKE NOTE that this Certificate is issued solely with a view to providing evidence for title purposes of the compliance of the Relevant Works with the requirements of Planning Legislation and of the Building Bye-Laws. Except insofar as it relates to compliance with the said requirements it is not a report or survey on the physical condition or on the structure of the Relevant Works NOR does it warrant, represent or take into account any of the following matters:-
 - (a) the accuracy of dimensions in general save where arising out of the conditions of the Permission/Approval or out of the Building Bye-Laws aforesaid.
 - (b) the following conditions, compliance with which cannot be established:
 Planning Reference No: Conditions
 - Planning Reference No: Conditions
 - (c) matters in respect of private rights or obligations

**PLANNING/
BUILDING
REGULATIONS**

**FORMS OF
CERTIFICATE OF
COMPLIANCE**

(Contd.)



**PLANNING/
BUILDING
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**FORMS OF
CERTIFICATE OF
COMPLIANCE**

(Contd.)

- (d) matters of financial contribution and bonds
- (e) development of the Relevant Works which may occur after the date of the said inspection

Dated the day of 19

Signed

NOTES: The original of the foregoing Certificate should be furnished on the Certifier's headed notepaper. The following advices (referenced to the correspondingly numbered paragraphs above) are for the guidance of the Certifier, and should not be incorporated in or added to the Certificate, of which they do not form part.

- 4. If the subject matter is exempted development as defined by the Local Government (Planning and Development) Acts, 1963 to 1992, so indicate and state why, and make consequential adjustment in Paragraphs.
- 5. (a) Insert here details of all Grants of Permission which are pertinent to the Relevant Works. (If there is more than one such Permission or if there is an Approval on foot of an Outline Permission, appropriate adjustments should be made, throughout the Certificate).
- (b) Insert here details of all pertinent Notices of Approval.

OR

If there was no requirement to obtain Building Bye Law Approval, so indicate and state why.

- 4(b) Where elements of design, inspection or construction involve others, it & 11. may be appropriate to refer to, and attach, Certificates from such others, and to indicate the measure of reliance placed on same.
- 9. Include this Paragraph where the Relevant Works form part of an Estate.
- 10. Ensure that the Relevant Works accord with the planning unit, which is the subject of the Permission/Approval.
- 12. The list of non-warranted items may be expanded to include structural calculations where there is available a separate Report covering same from an Independent Structural Engineer.

UPDATE:

- 1. See also Practice Notice at page 7.61 hereof
- 2. See also Practice Notice at page 7.62 hereof