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16/01/04

Re : Consultation on your Study "Architects"

In your recent publicity in relation to Competition in the Architectural Profession it is presented that Building Control legislation and practises are related thereto.

The attached submission outlines features and experiences of the control systems for works and buildings. This is not necessarily the official view of a Building Control Authority or a correct interpretation of the law. Nor does it specifically and fully address the issues of bootstrapping, deformation or displacement.



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BUILDING CONTROL

0.0 The Building Control Authority

The Building Control Authority is concerned with the health, safety and convenience of persons in and about buildings and temporary structures, national economy and sustainability in relation to construction activity and competition in the construction industry.

The Building Control Authority may consult with or be consulted by the Planning Authority, Fire Authority and Health Authority.

0.1 Building Owner

The primary responsibility for the health, safety and convenience of persons in and about a building or structure, for the conservation of fuel and energy and for the efficient use of resources in relation to a building rests with the building owner or landowner.

0.2 Former Control

From the 1870s the design and construction of streets and buildings in Dublin was regulated under various Bye-Laws made under the Public Health and related Acts. The Building Bye -Laws were repealed with effect from 01/06/1992. During that period of more than 100 years, plans of proposed works and buildings (with few exceptions) were submitted for approval to the Dublin Building Control Authorities. The design and construction information was required to be signed by the person preparing it. There was no requirement that the preparer of plans be qualified in any way. In the eyes of the Building Control Authority all such persons whether unqualified or whether qualified architects or qualified engineers were known as "preparers of plans". The general experience was that many novice preparers of plans through a process of attrition (by having plans rejected with reasons and from subsequent discussion with Building Control staff) went on to become competent preparers provided they confined themselves to tried and trusted construction methods and modest domestic projects. Some unqualified designers used or now use the title architect on their drawing blocks and notepaper. Many qualified architects relied on architectural or construction technicians or engineers to prepare byelaw applications. While many applications for large modern buildings did not strictly comply with bye-laws made 50 years earlier waivers of bye-laws were generally granted to facilitate modern methods and to require compliance with more recent standards.

The system included inspections by the Building Control Authorities at critical stages of construction (e.g. foundations, drains, etc.). The system was successful in securing proper standards. Statistics collected at the time by the National Guarantee Scheme (operated by the CIF) indicated significantly fewer claims in the Dublin area than in the rest of the country.

Certificates of fitness for occupation issued from the Building Control Authority but with the advent of planning permissions this practise ceased and opinions in relation to Building Bye-laws and planning permissions were often issued by designers. These latter opinions did not necessitate supervision or on-going inspections and were provided mainly to identify buildings or parts of buildings in relation to public consents and to illustrate the sub-division of property or the creation of new folios.

In 1988 the Multi-Storey Buildings Act provided for the submission by competent persons of various certificate forms to Building Control Authorities. Three types of competent person are defined in relation to their qualifications and experience. Some of these forms were required to be accompanied by a report outlining the investigations, inspections and opening up carried out.

Under former control the staff in Building Control in Dublin (City & County) were located together in the same building with the Fire Prevention Section of the Dublin Fire Brigade and collaborated in the control of design and construction activity.

0.3 Failures

Two serious Dublin occurrences and their aftermaths have shaped or ought to shape legislation and practise.

In 1982 The Stardust Tribunal faulted the unqualified designer's lack of appreciation of certain matters, the owner's management of the venue, inadequate inspections and the training and understaffing of the Building Control Authority. It also suggested that reliance on self-certification would be no more appropriate for fire than structural stability.

In 1987 the Government commissioned Cremer Warner Report into the Raglan House collapse indicated that the design (by a chartered structural engineer) was not in accordance with the then most up to date knowledge, was not built in accordance with the information submitted to the Building Control Authority, that supervision and inspection were inadequate to identify divergences and potential problems and that the Building Control Authority was not properly staffed.

Both investigations and subsequent reports recommended that Building Control Authorities be provided with the resources to monitor any self-certification system that new legislation might introduce, and be able to check more fully the construction of new buildings (to provide a deterrent against inferior building practise). Self-certification was recommended against without formal supervision of such a scheme.

0.4 Current Control

The Building Control Act came into operation on 01/06/1992 and the Construction Products Regulations came into operation on 01/01/1993. The effect of these was to remove the necessity for the prior approval of all designs, of materials, of foundations, of drains, of habitable dwellings, etc.

The Building Regulations made under the Building Control Act and the Construction Products Regulations comprise very broad functional requirements and it was considered that these would provide the design professions with greater scope for innovation and novelty than under former control.

The Building Control Authority has powers to inspect places where building materials are produced or stored, sites where construction is underway, building works and completed buildings, to require the submission of design information, drawings, calculations, to adjudicate on fire safety and dispensation/relaxation applications, to require building materials not to be marketed, to require the removal or making safe of a structure, the discontinuance of works, the replacement of defective parts or materials, to prohibit the use of a building, etc.

Owners, builders, manufacturers and sales companies may be required to submit information, etc. but designers have no obligations under the Act or Regulations. Works and buildings are required to be designed and constructed to comply with the Technical Requirements of Building Regulations.

In any event only a Building Control Authority may take an action under the Building Control Act. Consumers, occupiers, owners, etc. of buildings may not take any action on foot of an alleged breach of the Building Control Act or its Regulations.

However a Building Control Authority may not take proceedings for a breach of the Technical Requirements of Building Regulations but may prosecute for failure to serve a Commencement Notice or to obtain a Fire Safety Certificate where required.

Under current control the technical staff numbers in the Dublin area are less than a quarter of what they were in 1990, are dispersed over 6 different locations and are carrying out other functions as well.

Systems exist for the construction industry to influence legislation. In 1997 for example the regulations were modified to allow for the theory and practise of structural engineering to be used in designing the support of a building.

0.5 Opinions on Compliance

An agreement in the 1990s between the Law Society and the Royal Institute of Architects in Ireland supported by mortgage lenders led to the introduction of Opinions on Compliance with the Building Control and Planning Acts.

These requisitions and opinions are unrelated to the purposes of the Acts and are designed to identify the property in relation to public consents and public notices and to ease the conveyancing and lending processes. A Building Control Authority (and a Planning Authority) does not place any reliance on these. The opinions are provided for the benefit of the owner or purchaser. They do not directly benefit a building user and are not presently exhibited in buildings.

Architects or design professionals are the main providers. The historical reasons for this is that lease or deed maps have traditionally been made by architects, engineers or surveyors. Peculiarly professional planners do not appear to be included among those accepted to certify compliance with Planning.

Opinions on Compliance are not compulsory and are far from universal. They are usually required or provided for new housing and for tax incentives. The out-going President of the Royal Institute of Architects in Ireland has suggested that only 50% of eligible properties are transacted with the benefit of compliance documentation.

On larger projects, opinions on compliance with Building Regulations may be provided by different specialists, usually engineers or testers, and the architect or co-ordinator may base an overall opinion on these specialist opinions. In some such cases an architect's independent opinion might extend to only 3 out of the 12 parts in the regulations.

In the experience of this Building Control Authority compliance documentation has been provided :

- A - by persons who did not design the building to comply with Building Regs
- B - by designers who did not carry out construction inspections
- C - by persons acceptable to a lending agency or solicitor in lieu of the designer
- D - by persons for a builder working without a designer
- E - by persons without drawings (or a design) being made/available

When an Enforcement Notice issues or a requisition is made under the Building Control Act the usual retort is that an Architect did drawings or that an Opinion of Compliance (often incorrectly referred to as a Certificate) is (or will be) available. In one case expenditure in excess of € 0.5 million for remedial works was incurred (after the issue of an Opinion on Compliance) when the Building Control Authority took action to have the 70 occupants of the building evacuated and to have an adjoining building closed. In another case the Building Control Authority intervened (after the issue of an Opinion on Compliance and after occupation) when it became apparent that the design and construction of an apartment complex had caused raw sewage to flood adjoining houses.

What is the position of solicitors or funders or the advice to solicitors or funders presented with an Opinion not similarly worded to the standard RIAI forms ?

0.6 Public Venues

From the 1890s Places of Public Resort have been regulated. In the early days the activities of the Building Control Authority under this heading were concentrated on the design, construction and management of theatres and cinemas. Most recently the emphasis is on the pre-planning, temporary structures, and safety of crowds at special outdoor and indoor events. These concerns are not exclusively the domain of architects but the leading promoters employ qualified architects and/or qualified engineers to plan, design and control events. A hundred thousand people might attend some such events in Dublin.

There is no agreement between the Law Society and RIAI in relation to the certification or otherwise of these venues or risks. In any event this Building Control Authority (and the relevant codes), due to the numbers of persons being catered for, requires the submission of design and safety information at least 28 days before the event to enable calculations and features to be checked and requires the erections to be completed between 12 and 24 hours before the public are admitted to enable inspections to be carried out.

Building Control Authorities are not adequately resourced in this area.

0.7 Designer, Architect

An architect or designer may be engaged by the owner of land or of a building to prepare proposals, to exploit commercial possibilities, to answer a need, to improve the appearance or create a particular aesthetic or image. Subsequently an architect, a designer, a surveyor, a clerk of works, a project manager, etc. may be engaged to prepare information for pricing purposes, to supervise a building contract, to co-ordinate activities and to carry out regular inspections of construction works. In the experience of this Building Control Authority these latter services are availed of in only a minority of cases and when problems arise (where an architect and/or engineer has not been retained) an architect, engineer, surveyor, etc. may be appointed belatedly.

Although traditionally an architect was perceived as a designer of buildings the advent of the Planning Acts changed that perception for many to "drafter of planning applications". Architects came to be employed more often because of the requirement to obtain planning permission and indeed the vast majority of planning applications are now drafted by architects. Some clients may even rate architects on their abilities to secure planning permission. Most often an architect or draughtsman is engaged to apply for planning permission only and has little or no involvement in the project thereafter. Most often an architect or draughtsman will not be specifically engaged to produce a design compliant with Building Regulations.

There is no requirement that a qualified architect prepare a planning application. At one time in the Dublin area when some apartment and other developments appeared repetitive and visually un-exciting or even drab it was considered desirable that more diverse and more architecturally considered designs be adopted. Since then many developers use panels of architects and there have been large developments where co-ordinating architects have been engaged to oversee different architectural teams. In other cases urban designers or conservation architects would be warranted but could not be insisted on.

In many cases the role of designer or architect is performed by an unqualified person, by an inadequately qualified person or by nobody.

An architect or draughtsman may take on bureaucratic procedures on behalf of an owner or builder simply because he/she wishes to ensure that such bureaucratic observances will not be used to undermine the validity of his/her Opinion on Compliance.

Practically all major architectural practises in the city have one or more builders or developers as clients. The majority of dwellings, offices, shops and industrial units are provided by builders or developers for purchase or rent by others. For such clients and such projects an architect or designer may not be retained for regular inspections or supervision during construction. However on account of the inevitable sale or leasing of the units the architect or designer will be expected to give an opinion on compliance for conveyancing.

1.0 Typical Practises, Compliance Levels, Enforcement

The Building Bye-Laws necessitated the preparation of plans (before commencement) and the adherence of those plans to certain standards (and the subsequent introduction of planning legislation in the 1960s required projects outside the main urban areas also to be illustrated on paper before construction). The introduction of the Building Control Act has lead to a considerable number of projects commencing without the necessary plans or without an adequate design and to a considerable number of deficiencies in works and buildings. A report prepared by outside consultants for the Dublin Local Authorities in 2003 showed that drainage installation had so disimproved over the 10 years since the inception of the Building Control Act that much of the spare capacity for the next 10 years was in doubt.

Fire Safety Certificates are issued by the Building Control Authority for significant commercial works and buildings (but not for houses). These are applied for by building owners by submitting plans and specifications illustrating fire safety features. There are no stipulated qualifications for the preparer of such information but often it is prepared by specialists in fire safety or fire engineering but also by qualified architects and qualified engineers and sometimes by unqualified persons. There is no statutory requirement that construction inspections take place to ensure that the necessary fire safety features are incorporated or are correctly incorporated but an Opinion on Compliance if provided will include fire safety. The exigency to process fire safety applications results in few construction inspections of fire safety features by the Building Control Authority. A recent report by Farrell Grant Sparks for the Department of the Environment, Heritage and Local Government (DEHLG) has pointed to this deficiency.

The removal of statutory construction approvals and inspections together with the absence of an adequately resourced control system has given rise to deficiencies and failures in traditional design and construction activities but there have also been noticeable non-compliances arising from new technical standards and from new design and construction systems. The DEHLG regularly point to the numbers of inaccessible new buildings. This Building Control Authority receives a large number of complaints about poor sound protection between buildings. These two aspects of building design are new and came in with the current control system. The complaints relate to larger buildings or projects usually designed by architects. Despite the different architects involved the design information and approaches relative to the Building Control Act and its Regulations are very similar between buildings or projects. There is often a common denominator between designs or design information especially if the buildings or projects are speculative or non-compliant in the eyes of the Building Control Authority.

In the city a large number of small and medium sized projects have been found to have commenced without a sufficient design illustrating the support and drainage of the proposed building and retaining the support and drainage of adjoining buildings. In addition in many such cases professional oversight is not available and in some cases designers or similar persons were owners or part of the development company.

There is no evidence within this Building Control Authority to suggest that any class of persons, other than chartered structural engineers required to be appointed under an Enforcement Notice, have been especially instrumental in securing the health and safety of persons in and about a building. On the contrary there is evidence within this Building Control Authority tending to indicate that building owners, builders and designers have not always made provision to comply with the Building Control Act and its regulations.

The Building Control Act 1990 allows for the making of regulations for the designation of a class of person by whom certificates of compliance might be given to a Building Control Authority, makes it an offence to give false or misleading information to a Building Control Authority, requiring a Building Control Authority not to accept certificates from a person found guilty of providing false or misleading information. However such regulations have not been made to date. It is unclear what alternative scenario would arise under any new Building Control Act.

1.1 Competitions, Appointments

Most design competitions are held to choose a design or to choose a designer or both. Except in the case of a small artefact, e.g. a chair, such competitions are not concerned with health and safety issues. Their more usual purpose is the procurement of an outstanding piece of architecture, sculpture, etc. or the enhancement of a public space. In the case of buildings and spaces the convenience of persons in and about a building or space is the only Building Control issue that would be pertinent and assessable in a competition.

The Building Control Division advised in relation to the design competition for the pedestrian (Millennium) bridge over the Liffey and the UN Rules on Equalization were part of the competition brief. From the perspective of access for all this competition and this bridge were/are successful.

The Building Control Division did not advise in relation to the O'Connell St. Monument but this competition drew participation from qualified architects, acclaimed sculptors and from amateur designers. All entries were exhibited together and the result was a very diverse exhibition much appreciated by the public.

Dublin City Council has just concluded a competition for a public park endorsed by the RIAI but in which persons who were not necessarily members of the RIAI could participate.

Not all competitions in which architects participate are high profile architectural design competitions. Many designers (qualified architects and otherwise) participate in consortia to win work. Bids may relate to a total design package with generic or site-specific or brief-specific designs and fees or to a design and construct often with time and financial parameters as well as design. Architects may also collaborate with property and procurement professionals to source sites or buildings for clients or prospective entrants to development or industry in Ireland.

In all design only competitions the nomination and choice of jury may legitimately be a matter of concern to prospective participants.

Public service architects and engineers (qualified) and students of design may also be excluded from design competitions.

The green book published by the Dept. of Finance for guidance does not necessarily require fee competition. Only fee agreement is advised.

Personal knowledge or experience would appear to be a very common criterion in the selection of a private architect. Working relationship, past experiences and ease of communication are very important for clients and can be more highly regarded than design quality and thoroughness of an architect's work or the fee proposed. The fuzzy nature of some appointments can be reflected in a related inattention to detail.

Accountants, solicitors, estate agents and other professionals are often asked or volunteer suggestions for the appointment of a private architect. Indeed some larger agencies such as estate managers, mortgage companies, etc. may have restricted criteria or lists for persons providing services. Architects are often in a position to suggest and influence the appointment of engineers.

On a large project the architect may also be appointed (by the client) as Project Supervisor for the Design Stage under the Health and Safety at Work (Construction) Regulations 2001 and may initiate the statutory safety file in relation to the project. This responsibility relates only to the health and safety of workers who may be engaged in the construction or maintenance of the building. The Building Control Act sets health and safety criteria for all persons in and about a building.

1.2 Designers & Standards from Abroad

The general experience has been that designers from abroad have exhibited a marked concern for potential building users and an apparently greater adherence to regulations and have not especially sought ways to circumvent regulations.

The building control system in the Republic of Ireland is unique and unlike any other in Europe. The technical standards are modelled on those in the UK.

Due to perceived difficulties in engaging architects a number of projects in Dublin are designed and in some cases constructed by foreign companies. This would be especially notable for some large or prominent projects and for fitting out projects. As many of these companies are from Northern Ireland or Great Britain and only a very short journey away most do not engage local agents (architects or surveyors).

As UK standards are similar in many respects and as European standards are acceptable and as all these jurisdictions have more effective control schemes the involvement of these designers brings added diversity and stricter compliance.

1.3 Complaints, Queries

Frequently asked questions of Planning and Building Control Authorities include the name and contact details for an architect or engineer and the cost of an architect or engineer.

Complaints and referrals received fall into the following broad categories :

- Neighbour complaining about neighbour
- Client alleging Overcharging, Over-specification or Omission
- Alleged Defective Work or Inadequate Standard
- Persons seeking information (often Designers or Architects)
- Alleged Breaches of Building Regulations
- Unsafe or Un-acceptable Practises
- Disputes between Architects often about alleged incorrect compliance documentation
- Speculative building, no advice, no relationship with designer, unresponsive builder
- Disputes with Builders
- Queries from solicitors (compliance documentation, breaches/enforcement, etc)

Inspection outcomes may be categorised as follows :

No drawings i.e. possibly no designer, possibly the designer has not furnished appropriate information

No supervision, no professional advice available to builder

Unsafe Practises

Endangerment

Breach of Regulations

Defective Work

We receive complaints about allegedly excessive charging by designers and constructors. Typical construction costs are readily available but typical design costs are not as readily available. Many enquirers are anxious to get ballpark figures for design and are frustrated.

A significant number of callers seek a second opinion to contradict or check on either their designer, supplier or builder.

For the avoidance of doubt this Building Control Authority has on occasions written to all of the different manufacturers and suppliers of particular products (under the Construction Products Regulations) but is not necessarily in the same position to advise (or instruct) designers or builders generally. These actions were taken for safety and competition reasons.

Complaints are often not confirmed or substantiated by a complainant. Initially a complainant may allege various inadequacies in relation to the design and/or construction but when the complainant realises that there can be no action against a designer and that any action is likely to be against the building owner (often themselves) further information may not be forthcoming.

1.4 Attitudes, Perceptions

The engineering professions have a long tradition of producing fabrication drawings and of dealing with fabricators who may be as qualified as them. Engineering design is usually based on calculation and testing. Architectural design may be based on visual impact, lighting, spatial interactions, textures, colours, geometry, etc.

Architects are usually closer to their clients than engineers and may be more aware of the social, regulatory and financial implications of design decisions and are affected directly by the vagaries of the planning and other systems impacting on a project. Much of an architects work is conceptual. Architects may be less receptive to controls applied relatively late in the project life.

Consumers are dreadfully blasé in relation to the purchase, leasing, use and maintenance of buildings.

Most consumers, purchasers or commissioners of domestic works or dwellings or small shops do not recourse to qualified architects or engineers. It is not uncommon for purchasers to spend hundreds of thousands of Euros without commissioning their own technical advice from an engineer, architect or surveyor on the building being purchased.

Both building users and building purchasers share a very serious mis-conception, that somebody (other than themselves) has checked everything.

The majority of housing provision in the Dublin area is by way of speculatively-built apartments or houses. The standard contracts associated with these are considered to disadvantage the consumer or purchaser. The framers of these generic contracts are either the CIF or the Law Society or both and such Forms as are in use appear to date from around the same time as Opinions on Compliance. There has been some limited complaint, debate and investigation of/about the ultimate purchasers position under these contracts. From the Building Control perspective there are a number of issues that arise under these contracts, e.g.:

- Obligation to take on the liabilities of a management company regardless (of for example the suitability or durability of external finishes)
- Illusion that snagging process is an adequate defects liability provision
- Obligation to accept design changes (cost changes and delays).

It is not known if such contracts as are in use conform to the EU Unfair Contract Terms Directive.

The availability of generic designs, of CAD and photographic programmes, of various types of designers, of more diverse procurement systems, of non-traditional construction systems, of different quality control mechanisms, etc.; perceptions of the planning system and the much increased activity in the design and construction industry may in addition to changes in the Building Control system have caused fewer works (certainly smaller works) to be designed and inspected by architects. As practising architects control the education of architects there is a possibility that this reality may be reflected in the skills imparted to recently qualified architects.

Most people do not or cannot distinguish between design and construction. Current legislation does not distinguish. When things go wrong solicitors and litigants face a dilemma.

2.1 Future Control

Former Control lasted for 110 years. As Current Control has only existed for 10 years and as no report appears to have been commissioned to point to a better way, the case for a new Building Control Act has not been adequately demonstrated.

The actual staffing levels in Building Control Authorities indicate that less regulation or more self-regulation is intended. Currently this Building Control Authority inspects a very small percentage of buildings or works commenced.

The housing sector has traditionally been more regulated than other sectors of construction. There are indications that both the Depts of Environment and Finance, trade bodies and insurance companies will remove or lessen some of the present controls.

Current Control requires that buildings and works throughout the state conform to certain minimum criteria. The control system and other factors have lead to a reduction in standards in the Dublin area and is not known to have lead to any increased standards elsewhere. There have been particular lapses and poor observance.

The statutory advice to the Minister for the Environment under the Building Control Act has for some time been that proper resourcing of Building Control Authorities is crucial and that independent certification is required for certain aspects of the Building Regulations, most notably Part M or Access for the Disabled.

The industry has understood since the inception of Current Control that independent certification of fire safety would be reduced as the industry became more skilled in this aspect but here too there has been little change.

In the UK there are some interesting and vaguely similar trends for change. The government there has introduced compulsory independent post construction testing for sound insulation and a debate is underway about some forms of self-certification. In the UK certain independent bodies other than local authorities already act as approved inspectors for Building Control and may even compete with some local authorities.

In Europe designs for construction may be approved by a peer, a university department, an insurance company or an institution of design professionals in some jurisdictions as well as Building Control Authorities in other jurisdictions. In addition some European institutions control the activities of designers. This can be similar in some respects to our medical and accountancy professions "oversight" and "restrictions on practise" powers.

The owners and occupiers of newly completed buildings are seldom provided with a Building Compliance File and generally the file is not available when/if requested by this Building Control Authority either during or after construction. It is astounding that so few owners and occupiers have any information on the design and construction of their buildings. Inevitably when something goes wrong a new consultant or builder may be engaged and an expensive exploratory survey is required. Moreover responsibility may be confused (or avoided) by this absence.

Due to staff shortages this Building Control Authority currently outsources some engineering services. This effectively leads to one private engineer checking another private engineer. The ethical rules for professionals would require that our engineer notify the other engineer of his involvement. Both are likely to be members of the IET (and possibly of the ACEI). The IET is a very large organisation representing a wide variety of engineers and qualifications and it, including its members, has been very supportive of Building Control. Many public service engineers working full time in Building Control are members of the IET. However the investigative, often fault finding and sometimes confrontational roles involved in Building Control are not necessarily suited to private engineers checking on colleagues from the same professional institution. No building control work is outsourced to private architects by this Building Control Authority and it is not known if this could pose similar or even greater difficulties. The RIBA is a small organisation representing a narrow range of designers and qualifications. Public service architects working full time in Building Control Authorities are often not members of the RIBA. Some are thought to regard membership of the Royal Institute of British Architects or another institution as more appropriate for their role and suitably remote to avoid any perceptions of institutional or colleague influence. It is not known if registration under the proposed Building Control Bill would impose on Building Control personnel or limit them in any way.

Professional indemnity insurance is presently unrelated to the giving of Opinions on Compliance but Certificates of Compliance might expose insurers to a proportionate risk. It is not uncommon for bodies or persons providing service under statute to be required to hold proportionate insurances (financial services, holiday operators, etc.).

Protection of the title "architect" is not related to the Building Control Act 1990 or to the purposes of the Act. The Act does not require that a building be designed by an "architect" no more than it requires that a building be built by a builder. In fact "architect" is not mentioned or defined in either the Act or any Regulation made under the Act. If registration does not deserve independent legislation there is no reason why if compliance with planning and building control matters are to be covered that it should not appear in planning legislation.

For self-certification to be put on a reasonable footing there would need to be :

- An obligation on designers to design per Technical Requirements
- An obligation on certifiers to carry out construction inspections
- An obligation on designers to have an adequate initial survey carried out
- An obligation on designers and certifiers to respond to complaints
- An obligation on designers to provide sufficient information for construction compliance
- An obligation on builders to follow design or construction information

There is no evidence available that would demonstrate that better, more serviceable, more compliant, more sustainable designs or buildings would emerge from the registration of architects.

Nor is there evidence available that would demonstrate that less regulation of the design and construction would result in better design and construction.

If a "compliance certificate" is provided for a property the critical element is what it says and what reliance may be placed thereon. The name and qualifications of the giver are secondary to the wording of the certificate, to the steps taken to justify the certificate, to the guarantee or insurance cover provided by the certificate. In the case of a certificate provided by a person who had not supervised the construction it must surely be less reliable than one provided by the builder and/or one based on insurance backing.

In some European jurisdictions, designers are divorced from site practise and regular site inspections even full time supervision and some re-detailing are carried out by specialist firms of site architects or engineers. It is possible that as the industry and third level education develop that similar site specialities may emerge here.

How would complaints or enforcements be reduced by restricting the use of the title architect ?

Most reports point to serious weaknesses such as the uncertainty that any completed building complies because neither the Building Control Authority nor the designers have made sufficient if any during-construction inspections or enquires. If the certificate is provided by an uninvolved person no drawings may be available.

Builders are critically involved in the provision and alteration of buildings. The CIF through its various subsidiaries plays a significant role in compliance with regulations and promotion of good building practise through training, publications, inspections, guarantee schemes, etc.

An undeveloped design (e.g. planning permission drawings) might be executed by a builder in either of three ways :

- (a) Traditionally
- (b) Non-traditional (e.g. timber-frame)
- (c) Prefabrication

The out-going President of the RIAI has suggested that as the range of novel materials, components and technologies expand we need to rely on a combination of performance testing, design verification and systematic inspection of work on site and of any off-site fabrication.

The Building Control Act describes the building process as design and construction. Sometimes an experienced builder can rescue a design or a designer from a potential defect. More often a construction error can undermine a design or a compliance document. It is inconceivable that statutory or quasi-statutory compliance documentation would exclude the constructor.