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OPT-In or OPT-Out?

#11 Building Control Management System (BCMS)

The following information applies in the following circumstances:

- The design and construction of a new dwelling
- An extension to a dwelling involving a total floor area greater than 40 square metres
- Works to which Part III (Fire Safety Certificate) applies

Where SI (Statutory Instrument) No. 9 saw the introduction of the trinity of three legal entities in the construction process:

1. The Design and Assigned Certifier
2. The Building Owner
3. The Builder

The Building Owner is ultimately responsible for ensuring that buildings or works are carried out in accordance with the requirements of the Building Regulations. The Building Owner should ensure that they appoint a competent Builder and competent registered professionals to act as Designer and as Assigned Certifier. [THIS DOCUMENT](#) explains all of the roles and the requirements for inspection/certification in more detail.

SI No. 365 was then introduced that allowed home-owners to 'Opt-Out' of the above requirements. But what are the advantages & disadvantages of the two systems and should you Opt-In or Opt-Out?

Below is a handy chart that gives an outline of the pros and cons of opting in or out of SI9.

OPT-IN	OPT-OUT
<p>Advantages:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The investment in the design, inspection and certification of works will pay dividends in terms of delivering a quality, compliant building. (DOE) <input type="checkbox"/> Better paper trail if something goes wrong <input type="checkbox"/> There may be less legal implications should you decide to 'opt-in'. <i>"Homeowners should appraise themselves of any potential cost or other implications that may arise as a result of choosing to opt out of the statutory certification process. Prior to deciding on whether or not to avail of the opt out option, it is recommended that a homeowner should consult with their solicitor." (DOE)</i> <p>Disadvantages:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Potentially greater cost due to requirement of appointing Design and Assigned Certifier and potentially also Ancillary Certification. <input type="checkbox"/> Marginally greater paperwork 	<p>Advantages:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The only legal way a self-builder can construct a house or extension (>40m²) unless he is the principal or director of a Building Company (Completion Certification requires this) <input type="checkbox"/> Marginally less paperwork <p>Disadvantages:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Without the inspections and certification of opting-in you may not deliver a quality, compliant building. <input type="checkbox"/> Potentially poorer paper-trail if + something goes wrong with either the materials or construction.

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