

# **Fire Safety Certificates - Frequently Asked Questions**

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## **What is a fire safety certificate?**

A fire safety certificate is granted after the plans and specifications for a new building are assessed by a Fire Officer for compliance with Part B (Fire Safety) of the Building Regulations. It is a certification of your proposed fire safety design, not the fire safety design of your finished building. When you receive a fire safety certificate in relation to a proposed design it means that your building, if built in accordance with the design as proposed, complies with the fire requirements of the Building Regulations.

## **When is a Fire Safety Certificate required?**

The following works done since June 1992 (other than those listed as exempt below) require a Fire Safety Certificate;

- Works in connection with the design and construction of a new building
- Works in connection with the material alteration of
  1. a day centre
  2. a building containing a flat
  3. a hotel, hostel or guest building
  4. an institutional building
  5. a place of assembly
  6. a shopping centre
- Works in connection with the material alteration of a shop, office or industrial building where additional floor area is being provided within the existing building or where the building is being sub divided into a number of units for separate occupancy.
- Works in connection with the extension of a building by more than 25 square metres
- A building as regards which a material change of use takes place.

## **Which developments are exempted from the requirement of a Fire Safety Certificate?**

The following buildings are exempted from the requirement to obtain a Fire Safety Certificate:

- Certain single storey agricultural buildings
- A building used as a dwelling other than a flat

**Note:** If one dwelling lies above or below another, it is no longer considered a private dwelling but an apartment, and therefore is subject to a fire safety certificate application.

- A single storey domestic garage
- A single storey building ancillary to a dwelling which is used exclusively for recreational or storage purposes or the keeping of plants, birds or animals for domestic purposes and is not used for any trade or business or for human habitation.
- Works by a Building Control Authority in its functional area
- Works in connection with a Garda station, a courthouse, a barracks and certain government buildings.

## **Can I do the work first then apply for a Fire Safety Certificate?**

No. It is an offence to do works that require a fire safety certificate until a Fire Safety Certificate has been granted. You cannot lodge your commencement notice to start works until you have received a Fire Safety Certificate.

## **What can I do with my site while I await the granting of my fire safety certificate?**

You are allowed to carry out demolition, clearance and site preparation works, but no actual construction must take place.

## **Who can prepare a Fire Safety Certificate application?**

Usually a Fire Safety Certificate application is made by a Fire Safety Consultant, Architect or Engineer who is familiar with the Building Regulations and the procedure for applying for a Fire Safety Certificate. The content of the application needs to be comprehensive in nature. Anyone preparing a fire safety certificate will need a sound knowledge of building construction and fire safety design. If the application submitted is lacking then the local authority will return it to you together with your fee.

### **Can Kilkenny County Council recommend someone to make a Fire Safety Certificate Application on my behalf?**

No. It is our policy not to recommend individuals or companies. However there are many Fire Safety Consultants in the Golden Pages.

### **Is there a fee for a Fire Safety Certificate?**

Yes. The fee is €2.90 per square metre floor area (for the part of the building to which the Fire Safety Certificate Application relates). The minimum fee is €25 and the maximum fee is €2697.38 regardless of floor area.

### **How does the Fire Safety Certificate process work?**

From 8th March 2008 an application is submitted to **Kilkenny County Council, Fire and Rescue Service, Fire Service Headquarters, Gaol Road , Kilkenny.**

- Applications are date stamped and an acknowledgement stating date of receipt is sent to the applicant. The application number is also issued at this point. The application will then be assessed under Section 13 of the Regulations to ascertain whether or not it is a valid application.
- If the application is found to be valid the applicant shall be sent notification informing them that the application is valid and confirming the date the application was received and the application number.
- The Authority will then have two months from the date the application was received to complete the assessment of the application and to make a decision whether to grant the application (with or without conditions) or to refuse the application. During this time the Authority may request further information from the applicant regarding the application under Section 16 of the Building Control Regulations.
- A decision on the application will issue to the applicant as soon as possible after all required additional information has been submitted. A Fire Safety Certificate may be granted subject to conditions which must be complied with or may be refused.
- If the application is found to be invalid either
  - (a) the applicant shall be informed that the application is invalid and the complete application including fee will be returned to the applicant; or
  - (b) the applicant shall be informed that the application is invalid. The Authority will, under Section 14 (3) (b) of the Building Control Regulation, require the applicant to furnish further information to render the application

valid. The Authority will also request the applicant to look for an extension of time of the application to allow this information to be sent to the authority and considered by it.

- **The decision of the Authority may be appealed to An Bord Pleanala. Details of this procedure are on the Fire Safety Certificate application form.**

### **What do I do about changes in the design after a Fire Safety Certificate has been granted?**

A Fire Safety Certificate is granted based on the design and information submitted. Deviations at construction stage from the documentation submitted may call into question the validity of the Fire Safety Certificate as it applies to the development. If changes are made to the design of a building a new Fire Safety Certificate application must be made detailing the changes.

### **Will Kilkenny County Council inspect and certify my building when it is finished?**

No. You should employ your fire safety consultant to oversee the fire related issues of the works. When the works are finished, you should request a certificate of compliance from your consultant. This should certify that your building has been constructed in accordance with the Fire Safety Certificate and the Building Regulations.

### **Do I have to wait for my planning permission to come through before I can apply for my fire safety certificate?**

No. You can apply for both at the same time. However most people wait until planning is granted for a development before applying for a Fire Safety Certificate as, if the planners make alterations to the plans the Fire Safety Certificate granted may not be valid.

### **What if I don't bother with applying for a fire safety certificate and build anyway?**

If you build without a fire safety certificate, you will leave yourself open to prosecution under building control legislation. If you decide at some later date to sell your premises the buyer's solicitor will, in all likelihood, look for a copy of the fire safety certificate for the building. If you are unable to produce a fire safety certificate you may find it difficult to sell. If you build or extend a public house without a fire safety certificate you will even run into difficulties obtaining or renewing a licence.

**I want to build three separate buildings on my site. Will the one fire safety application cover the three buildings?**

No. The building control legislation requires that a fire safety certificate is obtained for a particular building. This applies even if the three buildings to be built are all identical to each other.

**Where can I get an application form for a Fire Safety Certificate?**

Application forms are available by contacting Kilkenny Fire and Rescue Service or you can download the form from this website. A Guidance Document for applicants is also included with the application form.