

Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022
& Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Regulations 2023

Role of the Competent Building Professional under the Enhanced Defective Concrete Blocks Grant Scheme:

The Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (the 2022 Act) and the Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Regulations 2023 require the Competent Building Professional engaged in works under the Enhanced Defective Concrete Blocks Grant Scheme to be familiar with all aspects of the Enhanced Grant Scheme.

In this regard, the Competent Building Professional is expected to be familiar with documentation issued by the Department of Housing, Local Government & Heritage. Competent Building Professionals are expected to continually review updates to Legislation and Guidelines as they become available.

This information is available on the Department of Housing, Local Government & Heritage website and is also available on the Donegal County Council webpage.

<https://www.donegalcoco.ie/en/services/housing/defective-concrete-blocks/>

- Enhanced Defective Concrete Blocks Grant Scheme – Ministerial Guidelines
- Enhanced Defective Concrete Blocks Grant Scheme: Your Questions Answered
- Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks -Act 2022
- Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks -Regulations 2023
- Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Section 11) Order 2024
- Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks (Amendment) Regulations 2024 - S.I. 621 of 2024
- Defective Concrete Block Rates - Oct 2024
- Information on Defective Concrete Block Rates
- Independent Panel for assessment of Appeals
- Defective Concrete Blocks Planning Services Advice Note July 2023
- Defective Concrete Blocks Planning Services Advice Note - November 2023 Update



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The aforementioned reference documentation outlines the role and responsibilities of the Competent Building Professional under the headings set out below. Please note, this is a non-exhaustive list.

- 1. Competent Building Professional**
- 2. Planning Permission**
- 3. Transitional Applicants**
- 4. Commencement Notice and Time Limits**
- 5. Remedial Works Plan**
- 6. Non-Qualifying Works**
- 7. Inspection Plan**
- 8. Interim Valuation Certification**
- 9. Payment Stages**
- 10. Certificate of Remediation**
- 11. Health and Safety**
- 12. Offences and Penalties**

Competent Building Professionals are expected to continually review updates to Legislation and Guidelines as they become available.

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1. Competent Building Professional

Competent Building Professional means a Competent Building Surveyor, Competent Engineer or Competent Architect. The definition and professional requirements of each of these occupations is clearly described in the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022, Part 2, Section 7.

“competent building professional” means a competent building surveyor, competent engineer or competent architect;

“competent architect” means a person whose name is entered in the register for architects established under Part 3 of the Building Control Act 2007, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed;

“competent building surveyor” means a person whose name is entered in the register for building surveyors established under Part 5 of the Building Control Act 2007, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed

“competent engineer” means a person whose name is entered in the register kept by The Institute of Engineers of Ireland under section 7 of The Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed;

[Competent Engineer](#)

[Competent Surveyor](#)

[Competent Architect](#)

Where an Option 2-5 is the Approved Remedial Option, i.e. any approved option which does not involve the demolition and rebuild of the relevant dwelling, only a Competent Engineer as described above may inspect and certify the works together with certification of payment claims associated with the Remedial Works.

[Competent Engineer](#)



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2. Planning Permission

As per Section 8 of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022, the relevant dwelling cannot be an unauthorised structure.

In this regard, a Certificate of Compliance with Planning Permission must be prepared and submitted with the application.

Section 28 of Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 states:

(1) Subject to subsections (2) and (3), and section 4(4) of the Act of 2000, development consisting of the completion of an approved remediation option shall be exempted development within the meaning of, and for the purposes of, that Act.

(2) The development referred to in subsection (1) shall only be exempted development where, on its completion, it is not inconsistent with, or materially different from, the appearance and character of the relevant dwelling in respect of which the approved remediation option is to be or has been completed.

(3) Where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling and any permission granted in respect of the relevant dwelling under section 34 of the Act of 2000 is subject to conditions under that section, the conditions shall continue to apply to the relevant dwelling.

(4) In this section—

“development” has the meaning it has in the Act of 2000;

“permission” has the meaning it has in the Act of 2000.

Schedule 2 and Schedule 5 of the Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Regulations 2023 states:

‘A Certificate of Compliance with Planning Permission to be prepared by a competent building professional is also required to be submitted with this application (which shall include both the permitted structure and any exempted development, if relevant).’

The Competent Building Professional should be familiar with the content of the Planning Services Advice Notes are available on the link below:



**Comhairle Contae
Dhún na nGall**
Donegal County Council

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<https://www.donegalcoco.ie/en/services/housing/defective-concrete-blocks/enhanced-scheme-information/>

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3. Transitional Applicants

Where a Competent Building Professional is engaged on the Enhanced Grant Scheme by a transitional applicant i.e. an applicant who applied under the Previous Scheme but is now subject to the provisions of the Enhanced Grant Scheme, Section 6.3 of the Ministerial Guidelines for the Enhanced Grant Scheme require the Competent Building Professional to submit a Declaration of Floor Area which involves certifying the size of the original relevant dwelling and the proposed dwelling for the purposes of grant calculation.

‘In relation to an existing application in order for the grant amount to be recalculated, the homeowner in the case of Option 1 will need to submit to the designated local authority a certificate from the Competent Building Professional (CBP) confirming the floor area of the existing house and the floor area of the proposed house, and in addition for Options 2-5 the areas and locations of blockwork replaced.’

NB: Please note, if the applicant and their Competent Building Professional proposes to proceed with a different Remediation Option other than the Approved Option **(which cannot be a lesser option)** or if the proposal is to construct a different form of dwelling to that which currently exists, this must be declared to Donegal County Council.

The Competent Building Professional must certify on the Declaration of Floor Area Certificate (link below) that they have exercised reasonable skill and care in providing accurate information within the Declaration of Floor Area Certificate, which forms the basis for the Remedial Grant Amount Calculated. The Competent Building Professional also declares that this information will be verified as part of their inspection plan and that any amendments, if required, will be provided with the requests for payment.

Please find below link to the Declaration of Floor Area Certificate:

<https://www.donegalcoco.ie/media/g0wnaqdm/declaration-of-authorised-floor-area-template-august-2023.pdf>



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4. Commencement Notice and Time Limits

A **Notification of the Date of Commencement** of the Works necessary to carry out the Approved Remediation Option shall be submitted to Donegal County Council via the Online Portal, not more than 14 days and not less than 7 days before the date of commencement of the works.

Note: This is not a Commencement Notice under the Building Control (Amendment) Regulations 2014. Should an applicant opt to submit a Commencement Notice under the Building Control (Amendment) Regulations 2014, please view the following link:

<https://www.donegalcoco.ie/en/services/planning/building-control/>

Please note:

In accordance with Section 19 of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022:

- From the date of Notification of Remediation Option Grant, an applicant has **78 weeks** to commence the Remedial Works on the relevant dwelling.
- The application for Final Grant Payment following completion of Remedial Works must be submitted within **65 weeks** of having commenced works.

There is provision under Section 19 (3) of the Act, for a relevant owner to request an extension to either of the periods referenced above by a further period. This provision applies where, due to exceptional circumstances beyond the control of, and the exercise of all due diligence by the applicant / relevant owner, there is a delay. Please note that this extended further period shall not be more than **24 weeks** in both instances.

Any such request for an extension of either period referred to above, shall be made more than **12 weeks** before the expiry of the relevant period to which an extension is being sought.

Please see Section 19 (4) (b) of the Act for further details.



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5. Remedial Works Plan

The Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 and the Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Regulations 2023 outline the statutory requirements to be provided by the Competent Building Professional within the Remedial Works plan, as outlined below:

13. Provisions relating to remediation option grant

'13. (1) A remedial works plan pursuant to section 17(2) of the Act of 2022 shall –

- (a) be submitted by the relevant owner to the designated local authority, and*
- (b) describe the works the relevant owner proposes to carry out to the dwelling.*

(2) A remedial works plan shall be prepared by a competent building professional who –

- (a) is competent to carry out the design for the remediation works plan*
- (b) shall be responsible for the design of the remedial works,*
- (c) should coordinate input by other members of the design team and specialist designers to ensure that the remedial works plan demonstrates compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the remediation works concerned.*

(3) A remedial works plan shall contain sufficient detail to allow a contractor to provide an itemised quotation to an applicant for carrying out the remediation works.

(4) A remedial works plan shall include a plan for the design, specification and inspection of the works required to be carried out to the dwelling, which shall include the following:

- (a) detailed construction drawing such as plans, elevations and sections of remedial option demonstrating compliance with the Second Schedule to the Building Regulations 1997 (S.I. No. 497 of 1997);*
- (b) details of removal and direct reuse of existing materials (other than concrete blocks), where practical;*
- (c) specification of materials, including concrete blocks and external render, if applicable;*
- (d) details of quality control of construction products and materials used;*
- (e) identification of dwelling specific risks, including services;*
- (f) details of extent of blockwork to be removed and retained;*
- (g) details of detailing, including treatment of retained blockwork;*
- (h) a detailed programme for the works, project specific (including details of proposed completion of the works to facilitate an application for final grant payment not later than 65 weeks from the date of the commencement of the works);*
- (i) an inspection plan, in the form as set out in Schedule 4, which shall be developed after consideration of the complexity of the remedial works being implemented and key stages prioritised for inspection.*



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(5) The remedial works plan shall–

- (a) describe any additional work the relevant owner proposes to carry out, and*
- (b) contain such other documents or information as the local authority may require.’*

(6) The inspection plan in the form as set out in Schedule 4 shall be prepared by a competent building professional, who shall use professional judgement to determine the risk associated with the remedial option in developing the inspection plan for the implementation of the remedial works plan.

(7) The dwelling concerned shall be assessed on its merits, taking into account the complexity of the site, the site’s environment, the type, size and complexity of remedial works being implemented along with the capabilities and expertise of the potential contractor and the detailed programme of works referred to in subparagraph (d) of paragraph (4).

(8) The key stages of the remedial works shall be identified in the inspection plan in the form as contained in Schedule 4 and key elements from each stage shall be prioritised for inspection and other appropriate checks carried out as deemed necessary.

(9) Implementation of remedial works plan and ongoing supervision by the contractor, supported by an inspection plan (as implemented by the contractor and competent building professional) shall facilitate the interim valuation certification and certification of the remediation works upon completion, by both the contractor and competent building professional.

NB: Please note, if the applicant and their CBP proposes to proceed with a different Remediation Option other than the Approved Option **(which cannot be a lesser option)** or if the proposal is to construct a different form of dwelling to that which currently exists, this must be declared to Donegal County Council.

The 2023 DCB Regulations, Schedule 6 – Interim Valuation Certificate requires the Competent Building Professional to certify the following during the provision of the certification process for payment:

“I confirm that the qualifying remediation works to the dwelling concerned, for which this payment is being sought, have been completed to my satisfaction and in accordance with the remedial works plan concerned, and the works comply with the requirements of the Second Schedule to the Building Regulations, insofar as they apply to the remedial works concerned”.



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6. Non-Qualifying Works

Section 1.3 of the Ministerial Guidelines requires the Competent Building Professional, in the preparation of the Remedial Works Plan, to identify any proposed works which do not qualify for grant assistance.

'A non-exhaustive list of non-qualifying works, which are outside the scope of this grant scheme are listed hereunder:

- *the cost of remedial works undertaken prior to grant approval, other than costs associated with immediate repair works.*
- *costs associated with works outside of the grant scheme or beyond the scope of the approved remediation option.*
- *costs associated with any works that are not required for, or ancillary to, the remediation of damage to the dwelling arising out of, or in connection with, the use of defective concrete blocks in its construction e.g., energy upgrades beyond the requirements of the Building Regulations applicable to the dwelling.*
- *remedial works to foundations, and associated ground works.*

The Department of Housing, Local Government & Heritage have advised that where the approved remediation option is an **Option 4** or an **Option 5** the costs associated with the protection of the existing windows and doors can be included.

There is **NO provision for an Option 4 or Option 5** to claim costs associated with replacing windows and doors in the dwelling. There is nothing to preclude an applicant from fitting new windows and doors, however the additional costs must be borne by the applicant / homeowner.



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7. Inspection Plan

The Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Regulations 2023, Schedule 6 – Interim Valuation Certificate requires the Competent Building Professional to certify the following during the provision of the certification process for payment:

‘I confirm that, having exercised reasonable skill, care and diligence, I prepared an inspection plan for the remedial works and accordingly, I have inspected the remedial works, at the stages outlined in the post remedial works plan appended to this Certificate’.

The 2023 Regulations further state:

13 Provisions relating to remediation option grant

(6) The inspection plan in the form as set out in Schedule 4 shall be prepared by a competent building professional, who shall use professional judgement to determine the risk associated with the remedial option in developing the inspection plan for the implementation of the remedial works plan.

(7) The dwelling concerned shall be assessed on its merits, taking into account the complexity of the site, the site’s environment, the type, size and complexity of remedial works being implemented along with the capabilities and expertise of the potential contractor and the detailed programme of works referred to in subparagraph (d) of paragraph (4).

(8) The key stages of the remedial works shall be identified on the inspection plan and key elements from each stage shall be prioritised for inspection and other appropriate checks carried out as deemed necessary.

(9) Implementation of remedial works plans and ongoing supervision by the contractor, supported by an inspection plan (as implemented by the contractor and competent building professional), shall facilitate the interim valuation certification and certification of the remediation works upon completion, by both the contractor and competent building professional.’

Question No. 54 in the Department of Housing, Local Government & Heritage “Your Questions Answered” Document states the following:

Who will carry out and supervise the approved remediation works for me?

It is recommended that the homeowner engage a tax compliant building contractor to carry out the remediation works in accordance with the remedial works plan. The contractor will supervise the works and jointly sign off on the Certificate of Remediation with the competent building professional, also hired by the homeowner, on completion of the works.



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Where a homeowner intends to self-build, they effectively step into the shoes of the contractor and assume all contractor responsibilities for the execution and supervision of the works and will have to jointly sign off on the Certificate of Remediation with the Competent Building Professional on completion of the works.

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8. Interim Valuation Certification

Schedule 6 (Interim Valuation Certificate) in the 2023 DCB Regulations requires the Competent Building Professional to certify a total cost of qualifying works completed. The Interim Valuation Certificate - Schedule 6 must be completed by the Competent Engineer or Competent Building Professional who designed and inspected the works described in the certificate.

For each Payment sought, the Enhanced Grant Scheme requires the Competent Building Professional to confirm within the Interim Valuation Certificate - Schedule 6 of the 2023 Regulations:

‘I confirm that the qualifying remediation works to the dwelling concerned, for which this payment is being sought, have been completed to my satisfaction and in accordance with the remedial works plan concerned, and the works comply with the requirements of the Second Schedule to the Building Regulations, insofar as they apply to the remedial works concerned ‘

This certification should also be accompanied by a detailed invoice for professional services detailing costs for services required for the qualifying works associated with remediation of the dwelling, professional fees associated with redesign, planning permission and energy upgrades are not permitted within the Enhanced Grant Scheme.

This certification should also be accompanied by an original itemised invoice prepared by the Contractor.

The Contractor’s Invoice shall detail items which are considered qualifying works and non-qualifying works carried out, and the contractor should use the Interim Valuation Certificate - Schedule 6 template provided when submitting their costs.

The Interim Valuation Certificate – Schedule 6 costs sought should be reflective of the qualifying works only.

Details and description of **qualifying works** with photographic evidence of works completed shall be submitted in accordance with Section 52 of the Remediation of Dwellings Damaged by the use of Defective Concrete Blocks Act 2022.



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9. Payment Stages

Interim stage payments will be paid based upon certified invoiced costs for qualifying works incurred by the applicant, as completed by the contractor and certified by the CBP up to the maximum grant amount. This will be capped at up to 90% of this maximum grant amount prior to the final payment and submission of a Certificate of Remediation – Schedule 10.

The remaining 10% will be released with the final payment following submission of the Certification of Remediation, post works remedial works plan, insurance policies, ancillary certificates and planning permission if applicable.

All parties (the applicant, the Competent Building Professional and the Contractor) must remain Tax Compliant at all times. This will avoid delays when processing grant payments.

Tax Clearance status can be checked at www.revenue.ie.

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10. Certificate of Remediation

Schedule 10 of the 2023 Regulations requires the following:

'Part B - Certificate signed by a Competent Building Professional(1)

4. I confirm that I am the competent building professional appointed by the following dwelling owner:

Dwelling owner's name:

at the following dwelling address:

Eircode:

to prepare a remedial works plan for the dwelling, which included a plan for the design, specification and inspection of the works required to be carried out to the dwelling.

5. I confirm that I am a person named on a register pursuant to Section 7, Part 2 of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 and that I am competent to carry out my design for the remediation works plan.

6. I confirm that I have prepared a remedial works plan for

7. I confirm that the design of the remedial works has been prepared exercising reasonable skill, care and diligence by me, and by other members of the design team and specialist designers whose design activities I have coordinated, to demonstrate compliance with the requirements of the Second Schedule to the Building Regulations insofar as they apply to the remedial works concerned.

8. I confirm that, having exercised reasonable skill, care and diligence, I prepared an inspection plan for the remedial works and accordingly, I have 'inspected the remedial works, at the stages outlined in the post remedial works plan appended to this Certificate.

9. Based on the above, I now certify, having exercised reasonable skill, care and diligence, that the remedial works have been completed in accordance with the post remedial works plan, as implemented, and that the remedial works are in compliance with the requirements of the Second Schedule to the Building Regulations, insofar as they apply to the remedial works concerned.

10. I confirm that the post remedial works plan, as implemented, is included in the appendix to this Certificate and that I have advised the dwelling owner to seek professional advice from a competent building professional, if any future works to the dwelling are planned. '

11. I understand that where this Certificate relates to remedial works other than the demolition of the relevant dwelling and the reconstruction of the dwelling it is noted that the dwelling may be eligible for a second grant under the Defective Concrete Blocks Grant Scheme, where subsequent damage consistent with defective concrete blocks within the relevant dwelling occurs.'

The final payment claim certified by the Competent Building Professional should certify that the works that were designed and inspected have been completed to the satisfaction of the Competent Building Professional and are in accordance with the submitted Remedial Works Plan As Implemented and the Building Regulations and Planning Act. The Competent Building Professional must ensure they have appropriate Professional Indemnity insurance in place to certify the remedial works.



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Dhún na nGall**
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The Remedial Works Plan As Implemented must be prepared by the Competent Engineer or Competent Building Professional who designed and inspected the works described in the plan.

Any changes to Competent Building Professional must be notified to the Local Authority using the form provided at the link below. Acceptance of all CBP roles and responsibilities must be transferred to the newly engaged CBP. This includes, but is not limited to, any work completed to date associated with the design, inspection and certification of the relevant dwelling.

Link to Change of Competent Building Professional Form:

<https://www.donegalcoco.ie/media/h4upjgy1/change-of-competent-building-professional-form-october-2023.pdf>



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11. Health and Safety

The Competent Building Professional must be aware of their obligations under 'The Safety Health and Welfare at Works (Construction) Regulations 2013, (as amended) and the Safety Health and Welfare at Work Act 2005.

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12. Offences and Penalties

The Competent Building Professional is reminded of their obligations under Section 52 & 53 (stated below) of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022.

Section 52.

(1) A person who furnishes information—

(a) to a designated local authority in purported compliance with this Act,

(b) the Housing Agency in purported compliance with this Act, or

(c) an Appeal Board in purported compliance with Part 5,

that is false or misleading, knowing it to be false or misleading or being reckless as to whether it is false or misleading, shall be guilty of an offence.

(2) A person who is guilty of an offence under subsection (1) is liable—

(a) on summary conviction to a class A fine, or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(3) A person who without reasonable excuse—

(a) refuses to comply with a requirement of an authorised officer under section 43 ,or

(b) obstructs or impedes an authorised officer in the exercise of any of the powers referred to section 43 , shall be guilty of an offence.

(4) A person guilty of an offence under subsection (3) shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months, or both.

(5) Where a person is convicted of an offence under this section the court, unless it is satisfied that there are special and substantial reasons for not doing so, shall order the person to pay to the prosecutor the costs and expense, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs incurred in respect of the remuneration and other expenses of the Housing Agency or designated local authority in the carrying out of the tests, examinations and analyses.



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(6) A person shall not be eligible to apply for a remediation option grant under section 13 where he or she is convicted of an offence under subsection (1).

Disqualification for providing false or misleading information

53. (1) Where a designated local authority determines that a person has furnished information to the designated local authority for the purposes of making an application under section 13 which he or she knows is false or misleading, or being reckless as to whether it is false or misleading—

(a) the designated local authority shall, where it has not at the time of the determination made a decision under section 13 (7) in respect of the application, refuse to consider further the application, and

(b) subject to section 52 (6), the person shall be disqualified from making a further application for a period of 5 years from the date of the designated local authority's determination.

(2) The designated local authority shall not make a determination under subsection (1) unless it has given the person the opportunity to make representations to the designated local authority in relation to its proposal to make the determination.

(3) The Minister may prescribe—

(a) the procedure by which a designated local authority may make a determination under subsection (1), and

(b) the form and manner in which representations referred to in subsection (2) may be made.