

# Regularisation application – guidance notes

## The process

These notes are for general guidance only. Full details can be found in regulation 18 of the Building Regulations (2010.)

Where unauthorised work has been carried out after 11 November 1985 there is an option to submit an application for a regularisation certificate. This option is normally undertaken to assist in the sale of a property when no proof of building regulation approval can be provided. The regularisation certificate can be taken as evidence (but not conclusive evidence) that the relevant requirements of the building regulations as specified in the certificate have been complied with in respect of the works carried out.

Whilst there is no legal requirement to apply for a regularisation certificate, there is definitely a legal requirement to comply with building regulations. Failure in this regard is not only an offence in law but may create problems when a property changes ownership.

The owner of the building is under no obligation to submit a regularisation certificate application to the local authority; equally, the local authority is under no obligation to accept a regularisation certificate application, nor having accepted the application issue a regularisation certificate, unless the work is shown or made to comply with reasonable requirements.

Before a certificate of Regularisation can be issued, Building Control will need to carry out a full investigation of the works carried out to ascertain whether the appropriate standards have been met.

Depending on the circumstances, exposure, removal and/or rectification of works may be necessary to establish compliance with the building regulations. It's best to contact your local authority Building Control Service to discuss your individual circumstances before submitting a regularisation application.

Before a certificate can be issued the council must be reasonably satisfied that the works conform to the building regulations and that there is no risk to the health and safety of persons in or around the property. In order to assess whether compliance with building regulations has been achieved, the council can ask the applicant to 'open up' work (for instance by removing plastered finishes in certain locations, or excavating trial holes to expose the sub-structure) so that the surveyor can inspect the parts of the building that would normally have been checked as the work was being carried out.

The surveyor may request supporting paperwork where deemed necessary (such as structural calculations, installation certificates and manufacturers data). Where it transpires following inspection that any of the works do not comply with the relevant standards then it will be necessary for you to arrange for the deficient work to be upgraded or replaced so that the required standards are met.

A certificate will not be issued until the surveyor is satisfied as far as possible that the required standards have been achieved.

The applicant will be notified of any further work required to bring the building to the required standards in force at the time of the original work. When this work has been satisfactorily completed, or if no further work is necessary, a regularisation certificate will be issued.

**Please note:** The Building Control team will contact you within five working days of receiving your application to discuss your request and take payment. The fee for the regularisation application is not refundable in the event of a certificate not being issued.

Persons who have carried out building work, or made a material change of use of a building, are reminded that permission may have been required under the Town and Country Planning Acts.

## Associated required documents

- A completed application form
- Any drawings and specifications which may help determine what work has been carried out.
- Any paperwork in support of the work carried out (such as structural calculations, installation certificates and manufacturer's data)
- An accurate site location plan to a scale of not less than 1:1250 which shows the position of the building, its boundaries and any adjacent buildings or features.

## The application form

The applicant is the person on whose behalf the work is being carried out, e.g. the building's owner.

The agent is any individual or organisation that the applicant may appoint to represent them (such as an architect or a builder). This may be left blank.

Please provide the information requested about the building in question. When describing the work carried out please be specific and elaborate on a separate sheet if necessary (the more information you provide the easier it will be for us to investigate).

**Replacement windows and doors:** Where the works involve simple replacement of existing windows/ doors with new ones of the same shape and size, a standard regularisation charge is payable irrespective of the cost of the work.

Electrical installations and wiring may have been required to be designed and installed in accordance with part P of the building regulations. If electrical work has been carried out by a person who is not registered with a self-certification scheme, then work will need to be checked by Building Control's appointed electrical contractor and an extra charge will be payable.