



Brighton & Hove

REGULARISATION CERTIFICATES - GUIDANCE

It is possible that the building you own or are considering purchasing has had building work carried out to it which would have required a Building Regulation submission but this was not done. If this is the case then the works which were carried out are considered to be unauthorised. They may not comply with the relevant requirements of Schedule 1 of the Building Regulations that were applicable at the time the work was carried out.

WHO MAY APPLY?

The owner of the building containing the unauthorised work may apply in writing to the local authority for a regularisation certificate providing that:

- the unauthorised work was commenced on or after 11 November 1985,
- and the person who carried out the work at that time was required to make an application to the local authority and did not.

HOW DO I APPLY?

An application for a regularisation certificate should be made on the appropriate application form available from Building Control, Information & Advice Centre, Town Hall, Norton Road, Hove. It should be accompanied by the following information:

- evidence that the work was carried out after 11 November 1985 ie Builders estimates, loan details.
- so far as is reasonably practicable, a plan of the unauthorised work,
- so far as is reasonably practicable, a plan showing any additional work required to ensure the unauthorised work complies with the requirements of the Building Regulations applicable when the work was carried out, and
- a fee in accordance with the appropriate Schedule of the Building (Prescribed Fees) Regulations 1994. See Guidance Note: Fees for Building Regulation Applications, which is available upon request.



The information contained in this leaflet is for guidance only, and clarification should be sought from Building Control regarding any Building Regulation matters. You are also advised to contact Development Control as planning permission may be required for your proposed building work.



LOCAL AUTHORITY REQUIREMENTS

If you make an application for a regularisation certificate, you will be asked to open up the work to a sufficient extent to prove that the Building Regulations have been complied with. You should note that this can be fairly easy or it can, in certain cases, be difficult and costly. If, for example, you have built an extension you will be asked to excavate beside the foundations to show the ground they sit on. You will also be asked to expose the damp proof course, the damp proof membrane in the floor, the cavities so that we can see they are clear, the wall construction, the roof construction and any damp-proofing flashings against the existing building. This is not a conclusive list but only an example of the sort of things we would want to see. A site visit is likely to be required and you should contact Building Control to arrange an appointment and to discuss the likely items that would need to be exposed. These will be dependant upon the exact nature of the works carried out.

ISSUING OF THE REGULARISATION CERTIFICATE

Once the application reaches this stage the local authority shall then notify the applicant:

of the work which in their opinion is required to comply with the relevant requirements of the Building Regulations, or

that they cannot determine what work is required to comply with the relevant requirements of the Building Regulations, or

that no work is required to ensure that the unauthorised work satisfies the relevant requirements of the Building Regulations.

If the owner then decides to undertake the necessary work, and once carried out an inspection is made revealing the work to be satisfactory, then a Regularisation Certificate may be issued by the Local Authority. If no work is required to secure compliance then a regularisation certificate may be issued. However, if the exposure of the building work is insufficient for the Building Control Surveyor to determine compliance, then the Local Authority will not issue a Regularisation Certificate.

It is important to note however, that the Local Authority is under no obligation to issue a Regularisation Certificate. You should also note that this procedure does not affect the right of the Local Authority to take action under Section 36 of the Building Act to secure a fine against the person who has done the work or to have illegal work removed or corrected.

NB

The government has said that the regularisation certificate will be taken as evidence but not conclusive evidence that the local authority is satisfied with the work specified in the certificate.