

REGULARISATION OF UNAUTHORISED WORK

What is it?

The Building Regulations provide for a property owner to apply to the Local Authority for a regularisation certificate in respect of 'unauthorised' building work. This means work which was carried out on or after 11th November 1985 and which should have been subject to the Building Regulations procedures but was not.

How can I apply for a regularisation certificate?

An application form is available from the Gloucestershire Building Control Partnership's website at www.gbcpartners.co.uk or by phoning 01453 754 871. A completed application form should be returned with the appropriate charge and detailed drawings and specification to permit an assessment of the unauthorised works. Please see an extract from the Building Regulations 2010 below for further information.

What will the Local Authority need to inspect?

In assessing compliance the Local Authority may request the 'opening up' of unauthorised work. The Authority will then decide if remedial work needs to be carried out, in accordance with the Building Regulations which were applicable to that work when it was originally carried out, before they can issue a regularisation certificate.

What is a Regularisation Certificate?

A Regularisation Certificate is evidence (but not conclusive evidence) that the requirements of the Building Regulations specified in the certificate have been complied with.

What does the legislation say?

A copy of the Building Regulations is available from legislation.gov.uk at: www.legislation.gov.uk/ukxi/2010/2214/contents/made. Regulation 18 provides guidance on unauthorised building work:

18.—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) Where this regulation applies, the owner (in this regulation referred to as "the applicant") may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with the application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,
- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as "the relevant requirements").

(3) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(4) When the applicant has taken any such steps required by the local authority as are described in paragraph (3), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

(a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or

(b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or

(c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(5) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—

(a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or

(b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

(6) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(7) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

(8) In this regulation, “unauthorised building work” means building work other than work in relation to which an initial notice, an amendment notice or a public body’s notice has effect, which is done without—

(a) a building notice being given to the local authority;

(b) full plans of the work being deposited with the local authority; or

(c) a notice of commencement of work being given, in accordance with regulation 16(1), where a building notice has been given or full plans have been deposited.

Where can I obtain further information?

Further information can be obtained by contacting the Gloucestershire Building Control Partnership on 01453 754 871. A member of the team would be happy to assist you with your enquiry.