

## Building Regulations Regularisation Application Form Guidance Notes

Please note that works commenced without a valid Building Regulations application are termed unauthorised works.

This Guidance Note provides advice on how to apply for retrospective Building Regulation consent via the Regularisation procedure and what to do subsequently to resolve any difficulties. You may also need to seek Planning Permission. This is completely different legislation and is not covered in this guidance.

The Regularisation procedure allows us to assess any building works that have been carried out and completed without the submission of plans or giving of statutory notice of inspections.

This power does not replace the enforcement powers already available to the local authority and does not provide a short cut for those who fail to follow correct procedures.

Please note that an owner is under no obligation to make an application for a Regularisation Certificate if the work is more than two years old, although to sell a property, it is often necessary. This may be the only means to show compliance with the Building Regulations.

An application for a Regularisation can be made for all types of controllable building works that are complete, where:

- The work commenced after 11th November 1985 and;
- The work fell within the scope of the said Regulations and;
- A Building Regulation application was not submitted at the time.

You may be asked for plans and structural calculations to show what was done and the work will be inspected. However, please be aware that you may be asked to open up various areas of the building so the Registered Building Inspector can check things that have been covered up like steel beams, pipes and insulation, etc.

If everything appears to meet the regulations that were in place at the time the work was carried out, you'll receive a Regularisation Certificate.

### Duty Holder Provisions

The new duty holder provisions apply to all Building Regulations applications, including Regularisation Applications, that have been submitted after 1st October 2023. These changes apply to all building work covered by the Building Regulations 2010.

Therefore, if applicable, please also refer to our Guidance Note for the roles and responsibilities of the relevant Duty Holders. This is available on our website.

The applicant is the person on whose behalf the work is being carried out, for example, the building's owner. In the case of other applicants, for example, commercial organisations please include the full details of the organisation and a relevant contact name.

1. The description should include all works that have been carried out. If work is left off the description, it can cause you problems when you try to sell your property.
2. Your application will be processed as quickly as possible but, please note that depending on the classification and nature of the works carried out and the building where the work was carried out, we may have to consult with the Fire Authority. Therefore, this may delay our decision.
3. In accordance with the Building Regulation 18 the Council may require an applicant to take such reasonable steps, including laying open the unauthorised work for inspection, making tests and taking samples as the authority think appropriate to ascertain what work, if any is required to secure compliance with the relevant regulations.
4. These notes are for general guidance only, full particulars of "Regularisation" requests are contained in Regulation 18 of the Building Regulations 2010, and in respect of fees The Building (Local Authority Charges) Regulations 2010 (as amended).
5. Details of our Regularisation Fees are outlined within our designated Fess Schedules for the following:
  - Fee Schedule for Dwellings – New Build Development and Existing Extensions and Alterations.
  - Fees Schedule for Non-Domestic Buildings.

Alternatively, please provide a breakdown of the estimated cost of the works carried out.

6. This section should provide details of the individual(s) responsible for the fee. If the customer is a Ltd company, the company details should be entered here together with contact details of the relevant individual or department. If the company is a partnership, company details should be entered together with details of the partners.

## Additional Notes

- I. One copy only of this form should be completed and submitted.
- II. Full plans should consist of drawings, specifications and calculations if necessary. Detailed plans should be at a scale of not less than 1:100.
- III. Site location plans must be of a scale of not less than 1:1250 and show
- IV. Subject to certain provisions of the Water Industry Act owners and occupiers of premises are entitled to have their private foul and surface water drains and sewers connected to the public sewers, where available. Special arrangements apply to trade effluent discharge. Persons wishing to make such connections must give not less than 21 days' notice to the appropriate authority.
- V. Persons who have carried out building work or who have made a material change of use to a building are reminded that separate permission may also be required under the Town and Country Planning Acts.
- VI. Once you have submitted your application form, it is your responsibility to contact us to arrange a visit.
- VII. Applications for work which is exclusively for people with disabilities.

**For works to be exempt from charges they must comprise of:**

Alterations which are: -

- A. Solely for the purpose of providing means of access to enable disabled persons to get into or out of an existing building and to or from any part of it or from any part of it or of providing facilities designed to secure the greater health, safety, welfare or convenience of such persons; and
  - B. Is to be carried out in relation to:
    - a) An existing building to which members of the public are admitted. Or;
    - b) An existing dwelling which is, or is to be, occupied by a disabled person
  - C. Extensions to a dwelling, which the sole use of the room is:-
  - D. For the carrying out of medical treatment of a disabled person which cannot reasonably be carried out in any other room in the dwelling; or
  - E. For the storage of medical equipment for the use of a disabled person; or
  - F. To provide necessary accommodation or a necessary facility by adapting or replacing accommodation or a facility which already existed within the building which was incapable of being used, or used without assistance, by the disabled person.
7. Electrical work that is notifiable to Building Control under Part P of the Regulations must be carried out in accordance with those Regulations by a competent person who is registered with one of the following: BRE Certification Limited; British Standards Institute; ELECSA Limited; NICEIC Certification Ltd; N.A.P.I.T. (Please see the Electrical Safety Advice Note available from Bolton Building Control Services)
8. The Council will require that you provide certification of satisfactory testing and inspection for all work not carried out under the Competent Persons Scheme. This requirement may unfortunately increase the cost to the applicant and may cause a delay (arranging for another electrician to carry out an inspection and test). Any electrical installation undertaken by someone who is not registered with NICEIC or ECA must provide an installation certificate, together with a test certificate prepared by a member of NICEIC or ECA.

## **BS 7671 Electrical Certificates for new installations, rewires and adding new circuits to an existing installation**

If the electrical contractor is a member of NICEIC or ECA, they must complete an Installation Certificate (Form 1) if possible

If the electrical contractor is not a member of NICEIC or ECA, they must complete the Design and Construction parts of the Installation Certificate (Form 2) (as amended) and you are required to arrange for an electrical contractor who is a member of the NICEIC, ECA or Competent Persons Scheme to inspect and test the installation to enable them to complete the Inspection and Testing part of the form.

In both instances the electrical contractor is required to complete Schedule of Inspection (Form 3) and Schedule of Test Results (Form 4)

**Additional Sockets or Lighting points to all existing installation in a kitchen or special location.**

If the electrical contractor is a member of NICEIC, ECA or is qualified with City and Guilds Certificate 2391, they must complete the Minor Works Certificate (Form 5).

Completed copies of the appropriate forms must be deposited with the Authority upon Completion of the work; failure to do so will prevent the Authority from issuing a Regularisation Certificate and may lead to potential Enforcement action taken against you and/or your electrical contractor. Homeowners would be advised not to pay contractors until these electrical work certificates have been provided and the building work complies with the Building Regulations.

You are advised that the preferred route to approval is for you to use an electrical contractor who is registered under a Competent Persons Self Certification Scheme.

**Having Difficulty?**

If you require any further information or advice, please contact [building.control@bolton.gov.uk](mailto:building.control@bolton.gov.uk)