|  |
| --- |
| **Building Regulations.**  **Regularisation Certificate Guidance Notes.**  The Building Act 1984,  The Building Safety Act 2022, and  The Building Regulations 2010 (as amended). |

Find us online: [website](https://www.oxford.gov.uk/info/20150/building_control) | Send an email: [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk) | Telephone Contact: 01865 252807

**General Guidance**

**A Regularisation is intended to be used when works have already commenced, or been completed without Application and inspection from a Building Control Body, or that was work which would usually be covered by the competent persons scheme, but where a registered competent person did not complete the work.**

A Regularisation Application is a retrospective application relating to previously unauthorised works i.e. works carried out without Building Regulations consent, started on or after the 11 November 1985. The purpose of the process is to regularise the unauthorised works and obtain a certificate of Regularisation.

Please note, the applicant is under no legal obligation to submit a Regularisation Application, and likewise the Local Authority does not have to accept a Regularisation Application especially where the works cannot meet Building Regulations.

Where a Local Authority receives a Regularisation Application, they may require the applicant to take such reasonable steps, including the laying open of the building work for inspection by the Authority, making tests and taking samples, as the Authority thinks appropriate to ascertain that the work, if any, is required to secure that the relevant requirements are met. If an applicant is unwilling to comply with any reasonable request they run the risk that the Local Authority will be unable to judge whether the work satisfies the applicable Regulations.

These notes are for general guidance only, particulars regarding the Regularisation application are contained in the Building Regulations 2010 and, in respect of fees the current fees/charges Regulations.

The Regularisation application is without prejudice to the powers of a Local Authority under Section 36 of the Building Act 1984 or of any other statutory requirement or enactment affecting the building.

Please note it is the owner of the building *and* their builder‘s responsibility to comply with the Building Regulations. Persons carrying out building work or making a change of use of a building are reminded that permission may also be required under the Town and Country Planning Act, Highways Act, Housing Act,

Public Health Act, etc.

**This form cannot be used for building applications for higher-risk building work or stage of higher-risk building work or for work to existing higher-risk buildings. Application for building work to higher-risk buildings must be made to the Building Safety Regulator (BSR).**

**Initial information needed to be provided for the Regularisation Application:**

You must submit the following information to Oxford City Council Building Control (if this is not provided the application cannot be validated):

* A completed application form.
* Payment of the relevant fee.
* A comprehensive technical information package for the works including plans, sections, elevations, site plans, specifications, mechanical and electrical information, energy calculations, air tests, sound tests, statutory consultations, formal agreements, specialist engineers reports and calculations, third party warranties, and any commissioning certification (including competent person schemes) etc.
* A completed copy of the Relevant Requirement Information Form to meet Regulation 18 (this is a separate form, and it is available from our website) (we will be unable to issue a Regularisation without it in the first instance).

Building Control will assess the information against the requirements of the Building Regulations, carry out any consultations and communicate to you or your agent any areas that need addressing or where further information is required. Building Control will carry out inspections of the work on site once all the supporting information has been submitted and assessed.

**Charges & Quotations**

The amount of the Regularisation fee for any work shall be 150% of our standard Building Control fee charge, this is without prejudice for Oxford City Council to levy additional charges based on our published hourly fee rate, and should our time involved in the project exceed the standard fee applied at the time that the application was made. All of Oxford City Building Control fees are based on a cost recovery basis.

If the application has not been inspected or information provided for 3 years, then a reactivation fee will be chargeable based on our standard hourly rate in our published Building Control Fees. Please also refer to the notes relating to the 15-year retention policy in the timescale notes below.

**Inspections**

You will need to agree with Building Control what inspections are required once all of the supporting information has been received and assessed. You may be required to expose the unauthorised work for inspection, carry out tests, take samples/provide evidence as the Local Authority deem appropriate to ascertain what work, if any, is required to secure that relevant Requirements are achieved.

The authority shall then notify you: (a) of the work which is required to comply with the relevant requirements or (b) that we cannot determine what work is required to comply with the relevant requirements, or (c) that no work is required to secure compliance with the relevant requirements.

**Regularisation Certificates**

Where we are satisfied that the relevant requirements are met, Building Control will issue an electronic Regularisation Certiﬁcate, this can be used as evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with. This does not relieve you of the need to obtain other Statutory Consents (e.g. Planning Permission) that may be required.

**Electrical installations**

Part P of the Building Regulations requires that all notifiable, domestic electrical installations are designed and installed to protect people against injury and fire. Where these works are carried out by an Approved Installer registered under the Government’s Competent Person Scheme a Building Regulation application is not required.

Where these works are carried out by an Installer qualified to inspect and test the work by issuing a BS7671 certificate, but not registered on a Part P Competent Person Scheme, a Building Regulation application is required and an administrative fee is payable. Proof of the electrician’s qualification will be required.

**Timescales**

Please note that as these applications are retrospective applications for unauthorised works, which are often complex and lack the required evidence, you may have to wait up to eight weeks for an initial response.

Please note that Oxford City Council have a file retention policy of 15 years taken from the date of the last inspection or the last date of correspondence. If the Regularisation Certificate application has not been issued, we will not be able to finalise the certificate if it is outside of the 15 years from either the date of the last inspection or the last date information was provided to us in connection with the works. Please note that this 15 year retention policy also relates to us being able to answer retrospective questions and look at copies of information, as the records will not be able to be accessed after 15 years (of the last inspection, last date of correspondence, or the issue of a Regularisation Certificate).

**Data Protection Policy**

We understand the importance of ensuring that personal data, including sensitive personal data is always treated lawfully and appropriately and that the rights of individuals are upheld.

We are required to collect, use, and hold personal data about individuals. Data is required for the purposes of carrying out our statutory obligations (including consulting with statutory bodies outside the Council) delivering services and meeting the needs of individuals that we deal with. This includes service users, members of the public, our business partners and other local authorities or public bodies. Should you have any questions about how Building Control use your data you can e-mail [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk). Further details of this policy can be found on Oxford City Council’s website. We are fully committed to compliance with the requirements of the General Data Protection Regulation (GDPR) and are registered as a data controller with the [Information Commissioner’s Office](https://ico.org.uk/). Our registration number is **Z7925628**.

**Building safety competence information for principal contractors and principal designers.**

Competency standard PAS 8671:2022 & PAS 8672:2022

* A client will need to appoint a principal designer and principal contractor to any building project that is likely to have more than one contractor.
* If a client fails to appoint anyone, principal designer and principal contractor responsibilities are retained by the client. For domestic clients (not part of a business activity), principal designer and principal contractor duties pass onto the designer and contractor most in control of these phases.
* Client, principal designer and principal contractor can be the same person or organization if they have the appropriate competencies. As clients will often bring in others to take on principal designer and principal contractor role, clients must take reasonable steps to satisfy themselves that the PD and PC has the necessary competence.
* Clients should also consider the principal designer and principal contractor history in relation to any previous enforcement action.

**Principal designer**

Under Building Regulations, a principal designer can be an individual or an organisation. They are a designer in control of the design work, and can be, for example:

* an architect.
* an engineer (structural and others).
* a surveyor.

**Principal contractor**

Under Building Regulations, a principal contractor can also be an individual or an organisation. A principal contractor is a contractor in control of the building work, and can be, for example:

* a construction company.
* an individual contractor.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Building Regulations.**  **Regularisation Certificate Application.**  The Building Act 1984,  The Building Safety Act 2022, and  The Building Regulations 2010 (as amended).  **On completion of this form, please email to** [**buildingcontrol@oxford.gov.uk**](mailto:buildingcontrol@oxford.gov.uk) | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Is a Regularisation Certificate Application Suitable?** | | | | | | | | | | | | | | | | | | **Is this applicable?**  **Delete as applicable.** | | | | | |
| **a.** | **Was the unauthorised building works carried out before the 11th November 1985?** Any building work carried out before 11th November 1985 is not eligible to be regularised. | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **b.** | **Is the building work etc. in relation to a higher-risk building?** Regularisation certificate applications for higher-risk buildings cannot be made to the Local Authority, instead you must contact the Building Safety Regulator (BSR). | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **c.** | **Has any of the work described in the Initial Notice been carried out, or has the Initial Notice ceased to be in force?** If so, Regulation 22 of the Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (Local Authority powers in relation to partly completed work) applies. Compliance should be with the requirements of that regulation and a building Regularisation Certificate application is not appropriate, and instead a reversion application form must be completed. | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **d.** | **Is the proposed work to an exempt building or exempt work?** An application for building control approval with full plans is not appropriate in these circumstances (unless by the nature of the works the building is no longer classed as an exempt building any longer, then in addition to the new work, you will also need to apply to convert the exempt building work into a controlled building/structure. | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **e.** | **Is the building work being carried out under a self-certification scheme or third-party certification scheme exempt for the requirement to apply for building control approval with full plans?** An application for building control approval with full plans is not appropriate in these circumstances. | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **f.** | **Is the description of the work such where no requirement to notify the local authority?** An application for a Regularisation Certificate is not necessary in these circumstances. | | | | | | | | | | | | | | | | | [Yes/No] | | | | | |
| **If you have answered ‘no’ to all of the above questions, then you will be able to apply for a Regularisation Certificate. Where the response is ‘yes’ to item b above, then you will need to submit an Regularisation Application to the Building Safety Regulator (BSR) as they are the Building Control body for this type of work. If you have answered ‘yes to Items a, c, d, e, and f, then an application for a Regularisation Certificate is not appropriate.** | | | | | | | | | | | | | | | | | | | | | | | |
| 1. **Is additional information required?** | | | | | | | | | | | | | | | | | | **Included or not applicable (delete as applicable).** | | | | | |
| **a.** | So far as is reasonably practicable, a plan of the unauthorised work is required (if not applicable is selected this still may be required by Oxford City Council). | | | | | | | | | | | | | | | | | [Included/Not Included] | | | | | |
| **b.** | So far as is reasonably practicable, provide 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 the work when it was carried out (if not applicable is selected this still may be required by Oxford City Council). | | | | | | | | | | | | | | | | | [Included/Not Included] | | | | | |
|  | **Further Information.** | | | | | | | | | | | | | | | | | | | | | | |
|  | Unauthorised building work means building work, other than work in relation to which an Initial Notice, an amendment notice, or a Regulators Notice has effect, which is done without:   * A Building Notice being given to the Local Authority. * An application for Building Control Approval with full plans of the work being given to the Local Authority. * A notice of intention to start work being given to the Local Authority, in accordance with Regulation 16 (1), where a Building Notice has been given, or an Application for Building Control Approval with full plans of the work has been given. | | | | | | | | | | | | | | | | | | | | | | |
| **3. When was the work carried out?** | | | | | [DD/MM/YYYY] | | | | | | | | | | | | | | | | | | |
| **4. What is the address to which the work relates?** | | | | | [Enter address]  [Enter postcode]  (Please note that separate application forms are required for each property address, even if building work is on adjacent site). | | | | | | | | | | | | | | | | | | |
| **5.Use of the building** | | | | | [Enter current use] | | | | | | | | | | | | | | | | | | |
| [Enter proposed use] | | | | | | | | | | | | | | | | | | |
| **6. Description of works** | | | | | [Please enter the description of works that have been carried out. The description should include all elements of work. Please note that if the description is later found to be missing elements of the work that these will be charged for separately once Building Control has assessed the full scale of the project] | | | | | | | | | | | | | | | | | | |
| **7. Applicant details** | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | | [Enter phone number]  [Enter email address] | | | | | | | | | | |
| **8. Agent details (if applicable)** | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | | [Enter phone number]  [Enter email address] | | | | | | | | | | |
| **9. Other information required** | | | | | | | | | | | | | | | | | | | | | **Please delete as applicable** | | |
| Is the building a building to which the Regulatory Reform (Fire Safety) order 2005 applies or has applied after completion of the building work? | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| Were all notifiable electrical installations carried out by a registered competent electrical installer (Part P)? | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| Were all replacement windows installed by a registered competent window installer? | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| Do you have any planning conditions which may influence building control. Common conditions include Flood Alleviation (Part C), Internal Noise (Part E) (Part F), Sustainable Urban Drainage (Part H), Energy Performance (Part L) (Part O), and Parking / EV Charging (Part S)? If “yes”, please state those conditions below. | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| [Enter planning conditions if applicable] | | | | | | | | | | | | | | | | | | | | | | | |
| Do you have any planning conditions relating to water consumption (Part G) or disability access (Part M). If “yes”, please state those conditions below. | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| [Enter Part G/Part M conditions if applicable] | | | | | | | | | | | | | | | | | | | | | | | |
| Is the property to be/being used as a House in Multiple Occupation (HMO)? | | | | | | | | | | | | | | | | | | | | | [Yes/No] | | |
| If “yes” to the above, how many people will/do occupy the HMO? | | | | | | | | | | | | | | | | | | | | | [Number of persons] | | |
| I confirm that the work applied to is not classed as higher-risk building work, or stage of higher-risk building work, or for work to existing higher-risk buildings (applications for this type of work as described must be made to the Building Safety Regulator (BSR). | | | | | | | | | | | | | | | | | | | | | [Please enter X to confirm.] | | |
| **10. Charges (please see separate guidance table and fill in the relevant columns below for your calculation). Please see section 9 of this form for payment options.** | | | | | | | | | | | | | | | | | | | | | | | |
| **Schedule 1 Fees:**  New dwellings/converted dwellings. | | | | | | | **Schedule 2 Fees:**  New domestic buildings and extensions etc. | | | | | | | | | **Schedule 3 Fees:**  Structural, other alterations, and works to non-domestic properties. | | | | | | | |
| **Number of houses and/or flats:**  [Enter number of houses/flats] | | | | | | | **Extension floor area:**  [XX] m² | | | | | | | | | **What is the estimated cost of these works?**  [£ Enter estimated cost] | | | | | | | |
| **Total Schedule 1 Fee:**  [£ Enter fee] | | | | | | | **Garage/store floor area:**  [XX] m² | | | | | | | | | **Total Schedule 3 Fee:**  [£ Enter fee] | | | | | | | |
| **Loft conversion floor area:**  [XX] m² | | | | | | | | |
| **Garage conversion floor area:**  [XX] m² | | | | | | | | |
| **Energy Efficient Improvements (not Competent Persons Schemes) (a charge is payable for each type of energy efficient improvements):**  [£ Enter fee] | | | | | | | | |
| **Other Schedule 2 works:**  [£ Enter fee] | | | | | | | | |
| **Total Schedule 2 Fee:**  [£ Enter fee] | | | | | | | | |
| **Fee quoted schemes:** please attach your fee-quote email from Oxford City Council Building Control to your application with your submission.  [£ Enter Fee] | | | | | | | | | | | | | | | | | | | | | | | |
| **11. Payment options. To allow us to process your application as swiftly as possible, please select one of the below four options for payment.** | | | | | | | | | | | | | | | | | | | | | | **Please enter “X” to select your preferred option** | |
| 1. I don’t know what fee to pay, or know what fee to pay and would like to pay by phone, please call me. | | | | | | | | | | | | | | | | | | | | | | [ ] | |
| 1. Who should we call to discuss/ collect the fee? | | | | | | | | | | | | | | | | | | | | | | | |
| Name [Insert name here] | | | | | | Number [Insert number here] | | | | | | | | Email\* [Insert email address here]  \*We will email you a fee reminder if we cannot reach you by phone. | | | | | | | | | |
| 1. I will pay my fee by BACS transfer when I submit my application (details at <https://www.oxford.gov.uk/info/20150/building_control/1296/pay_for_a_building_control_application> ) and email [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk) to confirm I have paid.   When making a BACS payment, if you do not have a reference number for your application, please use the suffix BLDCTRL followed by the first line of your address, e.g. BLDCTRL 1 Apple Rd. Please e-mail [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk) confirming the date and time the payment was made so that we can locate the payment to validate your application. | | | | | | | | | | | | | | | | | | | | | | | [ ] |
| 1. I want to be invoiced for this fee (only applicable for fees over £1,500). If selecting this option, please provide details as below. All details should be for one individual/company, and we are unable to provide duplicate/copy invoices: apologies for any inconvenience caused. | | | | | | | | | | | | | | | | | | | | | | | [ ] |
| [Insert name of individual/company responsible for payment here] | | | | [Insert address of individual/company responsible for payment with postcode here] | | | | | [Insert email address of individual/company responsible for payment here] | | [Insert phone number of individual/company responsible] | | | | | | | | [Insert purchase order number if applicable] | | | | |
| **12 Declaration:** | | | This application is made in relation to the building work etc., as described above. It is submitted in accordance with Regulation 18 and is accompanied by the appropriate charge.  I/we apply for a Regularisation Certificate as described on this form and as detailed on any supplementary documents. | | | | | | | | | | | | | | | | | | | | |
| **Signed:** | | | [Please enter electronic signature or type your name]  On Behalf of\* [insert applicants name]  \*Insert applicants name where the declaration is made by an agent. | | | | | | | | | | | | | **Date:** | | | | [DD/MM/YYYY] | | | |
| **Relevant Requirement Information Form.** | | | | | | | | | | | | | | | | | | | | | | | |
| Where a local authority receives an application in accordance Regulation 18, they may require the applicant to take such reasonable steps as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met. | | | | | | | | | | | | | | | | | | | | | | | |
| **1. CLIENTS SECTION:** | | | | | | | | | | | | | | | | | | | | | | | |
| **1a. Clients details:** | | | | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | [Enter phone number]  [Enter e-mail address] | | | | | | | | |
| **1b. Client’s declaration:** | | | | | | | | I confirm that to the best of my knowledge the work complies with all applicable requirements of the Building Regulations. | | | | | | | | | | | | | | | |
| **Signed:** | | [Please enter your electronic signature or type your name] | | | | | | | | | | **Date:** | | | | | [DD/MM/YYYY] | | | | | | |
| **2. PRINCIPAL CONTRACTOR (OR SOLE CONTRACTORS) SECTION:** | | | | | | | | | | | | | | | | | | | | | | | |
| **2a. Principal contractor (or sole contractor) details:** | | | | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | [Enter phone number]  [Enter e-mail address] | | | | | | | | |
| **2b. Principal contractor (or sole contractor) date of appointment:** | | | | | | | | | | [DD/MM/YYYY] | | | | | | | | | | | | | |
| **2c. Principal contractor (or sole contractor) declaration:** | | | | | | | | I confirm that I have fulfilled my duties as a principal contractor (or sole contractor) under Part 2A (dutyholders and competence) of these Regulations. | | | | | | | | | | | | | | | |
| **Signed:** | | [Please enter your electronic signature or type your name] | | | | | | | | | | **Date:** | | | | | [DD/MM/YYYY] | | | | | | |
| **2d. \*\* Principal contractor (or sole contractor) details:** | | | | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | [Enter phone number]  [Enter e-mail address] | | | | | | | | |
| **2e. \*\* Principal Contractor (or Sole Contractor) Date of Appointment:** | | | | | | | | | | [DD/MM/YYYY] | | | | | | | | | | | | | |
| **2f. \*\* Principal Contractor (or Sole Contractor) Declaration:** | | | | | | | | I confirm that I have fulfilled my duties as a principal contractor (or sole contractor) under Part 2A (dutyholders and competence) of these Regulations. | | | | | | | | | | | | | | | |
| **Signed:** | | [Please enter your electronic signature or type your name] | | | | | | | | | | **Date:** | | | | | [DD/MM/YYYY] | | | | | | |
| **3. PRINCIPAL DESIGNER (OR SOLE DESIGNER) SECTION:** | | | | | | | | | | | | | | | | | | | | | | | |
| **3a. Principal designer (or sole designer) details:** | | | | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | [Enter phone number]  [Enter e-mail address] | | | | | | | | |
| **3b. Principal designer (or sole designer) date of appointment:** | | | | | | | | | | [DD/MM/YYYY] | | | | | | | | | | | | | |
| **3c. Principal designer (or sole designer) declaration:** | | | | | | | | I confirm that I have fulfilled my duties as a principal designer (or sole designer) under Part 2A (dutyholders and competence) of these Regulations. | | | | | | | | | | | | | | | |
| **Signed:** | | [Please enter your electronic signature or type your name] | | | | | | | | | | **Date:** | | | | | [DD/MM/YYYY] | | | | | | |
| **3d. \*\* Principal designer (or sole designer) details:** | | | | | | | | [Enter name]  [Enter address]  [Enter postcode] | | | | | | | [Enter phone number]  [Enter e-mail address] | | | | | | | | |
| **3e. \*\* Principal designer (or sole designer) date of appointment:** | | | | | | | | | | [DD/MM/YYYY] | | | | | | | | | | | | | |
| **3f. \*\* Principal designer (or sole designer) declaration:** | | | | | | | | I confirm that I have fulfilled my duties as a principal designer (or sole designer) under Part 2A (dutyholders and competence) of these Regulations. | | | | | | | | | | | | | | | |
| **Signed:** | | [Please enter your electronic signature or type your name] | | | | | | | | | | **Date:** | | | | | [DD/MM/YYYY] | | | | | | |

|  |
| --- |
| \*\*If more than one dutyholder appointment is made, details and confirmation is required by each principal contractor (or sole contractor) and each principal designer (or sole or lead designer) appointed by the client. Add additional contacts and statements as required. |