

The following guidance outlines the procedures adopted by East Ayrshire Council from the 1st May 2005 relative to construction works which require and have not obtained Building Warrant Approvals and / or Completion Certificates under the Building (Scotland) Act 2003.

### **Warning**

If you carry out certain alterations, extensions or building operations without a Building Warrant the new regulations that came into force on the 1<sup>st</sup> May 2005 mean that:-

- You will pay an increased fee when applying for an application after the works are carried out;
- You may have difficulties in selling your property;
- You may have to carry out further works to bring the works up to current standards;
- In the worst case scenario you may have to start again; and
- If you have not followed the Completion Certificate process the same process will apply.

### **1. Unauthorised Works carried out without Building Warrant Approval after 1st May 2005;-**

Unauthorised Works, once established may require to be the subject of enforcement action under Section 27 of the Building (Scotland) Act 2003 to either stop or regularise the unauthorised works via a Late (retrospective) Building Warrant or Late Completion Certificate or in the most onerous situations removal of the works. Where enforcement action under Section 27 of the Building (Scotland) Act 2003 is not deemed necessary by the Building Standards Service given that an application is forthcoming and there is no obvious risk to the public from the works the following applications should be submitted;-

**a) Unauthorised Works Started;-** An application for a Late Building Warrant requires to be applied for to regularise the works;

**b) Unauthorised Works Completed;-** An application for a Late Completion Certificate requires to be applied for to regularise the works;

Online applications for the above are simple, save applicants time and money and are delivered to us swiftly, enabling us to start considering applications sooner. Applications should be submitted online at: [ebuildingstandards.scot](http://ebuildingstandards.scot)

### **Note:-**

A Late Building Warrant or Completion Certificate require to be submitted with architectural plans which **MUST** detail the works complying with the Building Standards **at the time of submitting the application** (Not when the works were carried out). The application fee applicable relates to the estimated cost of the works (as verified against the BCIS guide issued by the Royal Institution of Chartered Surveyors). The fee payable for this service is as per [BW Fee Advice](#). Except as provided for at paragraphs 3b), 4 and 5 below, the Letter of Comfort process will not be an option to regularise unauthorised works which have not been subject to a Building Warrant/Late Completion Certificate application given the requirements of the Act.

2. Unauthorised Works carried out without Building Warrant Approval between the 1st April 1991 (implementation date of the Building (Scotland) Regulations 1990) and the 30th April 2005:-

**a) Unauthorised Works Completed;-** A Late Completion Certificate should be applied for to regularise the works;

**3. Unauthorised Works carried out without Building Warrant Approval between 1st April 1975 and 31<sup>st</sup> March 1991 can be subject to either;-**

**a) An application for a Late Completion Certificate;**

**OR** where the works are solely of a minor nature (An example of work of a minor nature includes patio door installation etc.) an application for a Letter of Comfort as detailed in b) below;-

**b) an application for a Letter of Comfort** (Evidence is required to be produced confirming date works carried out). This clearance certificate will review the works carried out against current buildings regulations in terms of safety issues only. The Fee payable for this service is shown within the [Charging Matrix](#). The survey request should be made on the Letter of Comfort Survey Pro-forma which can be downloaded from [East Ayrshire Councils website](#)

**4. Unauthorised Works carried out without Building Warrant Approval prior to the 1st April 1975:-**

**a) An application for a Letter of Comfort** (Evidence is required to be produced confirming date works carried out). This clearance certificate will review the works carried out against current building regulations in terms of safety issues only. The Fee payable for this service is shown within the [Charging Matrix](#). The survey request should be made on the Letter of Comfort Survey Pro-forma which can be downloaded from [East Ayrshire Councils website](#)

**5. No Completion Certificate with Warrant Life Period expired.**

Existing approved Building Warrants which do not have a certificate of completion under the Building (Scotland) Act 1959 and the three year life period of the application has expired without an appropriate extension to the time limit of the warrant being applied for, may be subject to a Letter of Comfort Clearance Certificate. This Clearance Certificate will review the works carried out against the approved Building Warrant and will only be issued where the works carried out comply with the approved warrant. The Fee payable for this service is shown within the [Charging Matrix](#).

## **6. The validity of existing Letters of Comfort**

The validity of existing Letters of Comfort previously issued by the Council prior to the 1st May 2005 and acceptance of same is at the discretion of the purchasers or their legal agent.

## **7. Exemption Service for ongoing or completed works.**

Works, which have started or have been carried out and are considered as exempt from Building Warrant Approval either under the 1959 or 2003 Acts can be assessed and verification provided by the Building Standards Service to support any property transaction. The assessment and survey will determine whether the works carried out meet the criteria specified within Regulations 3 and 5 of the Building (Scotland) Regulations 2004 for exemption from Building Warrant Approval.

To request a survey of works carried out the prescribed form (Exemption Survey Pro-forma) must be completed along with details of the proposals (including a sketch plan of the works where available). The Fee payable for this type of survey is shown within the [Charging Matrix](#). The survey request should be made on the Exemption Survey Pro-forma which can be downloaded from [East Ayrshire Councils website](#)

## **8. Exemption Service for works not started**

Where works have not started any property owner who wishes free advice on works which may or may not require Building Warrant Approval should contact the Building Standards Service using the contact information below. Following receipt of this enquiry a written response shall be issued detailing the relevant exemptions or approvals required.

Building Standards Service  
Planning and Economic Development  
The Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

Email: [BuildingStandards@east-ayrshire.gov.uk](mailto:BuildingStandards@east-ayrshire.gov.uk)

Tel No:- 01563 576778 or 01563 576781