

[<sup>F1</sup>]<sup>F2</sup>SCHEDULE 3A

Regulation 19E

Grounds for rejecting a transfer certificate and transfer report

**Textual Amendments**

- F1** Regulations revoked (E.) (6.4.2024) by The Building (Registered Building Control Approvers etc.) (England) Regulations 2024 (S.I. 2024/110), regs. 1(3), **43(a)(i)** (with regs. 44-47)
- F2** Sch. 3A inserted (6.4.2024) by The Building (Approved Inspectors etc.) (Amendment) (Wales) Regulations 2024 (S.I. 2024/244), reg. 1(1), **Sch. 2**

**Required information**

1. The transfer certificate does not include the information required by regulation 19C (information to be included in transfer certificates).
2. Either the transfer certificate or transfer report do not include information required by any provision of the Act.

**Wrong local authority**

3. No part of the unfinished work described in the transfer certificate is to be carried out in the area of the local authority to whom the transfer certificate has been given.

**No initial notice**

4. No new initial notice under section 53(7)(a) of the Act was in force with respect to the work described in the transfer certificate at the time the transfer certificate was given.

**Capacity of approver**

5. A new initial notice was in force with respect to the unfinished work described in the transfer certificate at the time the certificate was given, but—
  - (a) the certificate is not signed by the approver who gave the new initial notice,
  - (b) the person who signed the certificate is not an approver on the date the certificate is rejected, or
  - (c) where they are an approver, their registration does not include all the work described in the certificate.

**Breach of section 54B**

6. The person specified in the certificate as the registered building inspector who gave advice in relation to that certificate—
  - (a) was not a registered building inspector on the date the certificate was submitted, or
  - (b) was a registered building inspector on that date but their registration did not include all the work described in the certificate.

**Earlier notice / accepted transfer certificate and transfer report**

- 7.—(1) Except where paragraph (2) applies, a new initial notice under section 53(7)(a) of the Act (“an earlier notice”) has already been given in respect of any part of the unfinished work described in the notice.

**Status:** Point in time view as at 06/04/2024.

**Changes to legislation:** There are currently no known outstanding effects for the The Building (Approved Inspectors etc.) Regulations 2010, SCHEDULE 3A. (See end of Document for details)

- (2) The ground in paragraph (1) does not apply if—
  - (a) an earlier notice has ceased to be in force and the local authority have taken no positive step to supervise the work described in it, or
  - (b) the notice is accompanied by an undertaking by the approver which gave an earlier notice to the effect that the approver will cancel that notice as soon as the initial notice under consideration is accepted.
- (3) A transfer certificate and transfer report have already been accepted.

**Local authority action and offence committed under section 35(1) of the Act**

- 8.—(1) The local authority has given a section 36 notice in relation to the unfinished work.
- (2) The local authority received an application in relation to the whole or part of the unfinished work in accordance with regulation 18 of the Principal Regulations.
- (3) The local authority has otherwise taken any positive step to supervise the unfinished work.
- (4) The person submitting the transfer certificate and transfer report has committed an offence under section 35(1) of the Act.

**Failure to provide information requested**

9. The approver has been given a request under section 53C(4) of the Act but failed to provide the information within the period referred to in that section.

**Failure to comply with prescribed timescales**

10. The transfer certificate and transfer report have not been submitted before the end of the relevant period in accordance with section 53B(3) of the Act.]]

**Status:**

Point in time view as at 06/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Approved Inspectors etc. ) Regulations 2010, SCHEDULE 3A.