

Common Property Certificate

Advice to Councils in completing applications – December 2003

General

1. The Property Certificate Application Form will ask Solicitors to specify what type of Certificate is needed. The choices are: -
 - (a) **Standard 10-year search** – this will be a search of Council records for 10 years back from 1st January preceding the date of application for the certificate
N.B. If the Solicitor fails to specify the type of certificate on the application form, then it should be assumed that a standard 10-year search has been applied for.
 - (b) **A search back to 1973** – this will be a search of all Council Records back to 1973. If a Council does not have records computerized back to 1973 it may not be able to provide this search and should advise the applicant's solicitor accordingly.
 - (c) **A specified 10-year search** – this is a search of any 10 year period back to 1973 as specified by the Solicitor.
This option may be chosen by a Solicitor and the search may show up no Building Regulations applications during this period, but Building Control may be aware of works, which have started before this period, which have not been officially completed. In such circumstances it is recommended that attention is drawn to these uncompleted works in answering this question.
Once again, if the Council is not able to provide this, or the following search, it should advise the applicant accordingly.
 - (d) **A follow-up search from the 10-year search** – this will be a request for an extended search after the issue of the certificate following a specified 10 year search. The request may cover a specified number of years or may go back to 1973.
2. **Standard charges** - these should be applied by all Councils for Property Certificates. The charges agreed from 1st January 2004 are as follows: -
 - (a) Standard 10 year search - £60
 - (b) Search back to 1973 - £85
 - (c) Specified 10 year search - £60
 - (d) Follow-up 10 year search - £25
3. **Multi-site applications** – if a Property Certificate Application relates to a large premises such as a shopping mall, industrial building, etc., with

different occupancies, the fee should be negotiated locally between the Council and the applicant's Solicitor.

Advice on how to answer questions on Property Certificate

SECTION ONE: Building Regulations Matters

Question 1.1

1. Building Control should list all Building Regulations applications, which have been received during the search period, including: -
 - (a) Full plans submissions
 - (b) Building Notices
 - (c) Regularisation Certificates
2. The reply should show: -
 - the Building Control reference number
 - the application type (Full Plans/Building Notice/Regularisation)
 - whether or not the application was approved, rejected, or has been deemed to be of no effect, and the date
 - description of the work
 - date work commenced
 - date work completed (or state if work is not complete)

Question 1.2

1. The answer should provide information about all known breaches of Building Regulations, whether or not formal contravention proceedings have been instituted.

Question 1.3

1. In answering this question, the word "contemplating" is to be taken to mean an action, which has proposed or actively considered by the Council or its senior officers to whom the relative functions have been delegated.

Question 1.4

1. Any relaxation/dispensation which has been granted by Construction Service/Department of Finance and Personnel should be included in the answer to this question.

SECTION TWO – Building Licensing Matters

Question 2.1

1. If the answer to any question is “yes”, i.e. a licence of any type has been issued for the property during the search period, then details of the licence should be given, as follows: -
 - Type of licence
 - Date of issue
 - Duration of licence
 - Whether or not the licence is still valid

SECTION THREE – Dangerous and Ruinous Structures, Environmental Health and Other Matters

Question 3.1

1. If any Order or Notice has been issued in respect of the property during the search period, then details should be given as follows: -
 - Type of Order/Notice and relevant legislation
 - Date of issue of Order/Notice
 - Whether or not the Order/Notice is still valid

Question 3.2

1. Note that the question relates to PROPERTY and not to PERSONS
2. The definition of “contemplating”, as set out in 1.3 above, should be followed in answering this question
3. If the answer to any question is “yes”, then details of the proceedings should be provided

Question 3.3

1. The definition of “contemplating”, as set out in 1.3 above, should be followed in answering this question

Question 3.4

1. Smoke Control Orders were made in some of the larger urban areas only.

Question 3.5

1. It may not be possible to confirm the postal number if a new development has not been officially named and numbered or of the

Certificate is for lands only. In such circumstances the answer to this question should state that a confirmed postal number is not available and give the reason.