

Transfer of Projects to Another Approver Transfer Certificate & Report

The Building (Registered Building Control Approvers etc.) (England) Regulations 2024,
Part 5, Regulations 25 & Section 53B(5) of The Building Act 1984

*New RBCA (where another RBCA is to serve a New Initial Notice (IN) for unfinished works following the Cancellation of the Initial Notice by the current RBCA)

Where a further Initial Notice may be given after cancellation of an Initial Notice (IN) under section 53D of The Building Act (change of RBCA) and when the RBCA has agreed to the 'Transfer of Project(s) to another Approver'. A Transfer Certificate and Report must be submitted to the LA.

The following information must be obtained by the New RBCA (and provided to the LA) to enable the New RBCA to Serve the new IN for the unfinished Works to avoid the new IN being Rejected

For the purposes of section 53B(5) of the 1984 Act, a transfer certificate must contain the following information:

(a) a statement describing the original work and the unfinished work (England only since 6/4/24);

(b) a statement describing all the steps the approver has taken to determine, in accordance with section 53B(2) of the 1984 Act, whether the unfinished work contravenes any provision of the building regulations, in particular listing—

- (i) each inspection or laying open of the work undertaken;
- (ii) each report of any inspection or laying open of work produced;
- (iii) any other assessment of the work which was considered;

(c) a statement setting out the name and address of the registered building inspector from whom advice was obtained under section 54B(3) of the 1984 Act before giving the transfer certificate; (Relevant Class of RBI under Section 54B)

(d) a declaration, signed and dated by the approver, confirming—

- (i) the approver has inspected the unfinished work;
- (ii) the approver has determined that, as at the date of the transfer certificate, the unfinished work does not contravene any provision of the building regulations;
- (iii) each report or assessment referred to the statement under paragraph (b) has been included in the transfer report given under section 53B of the 1984 Act;
- (iv) the approver has obtained advice from a registered building inspector under section 54B(3) of the 1984 Act before giving the transfer certificate, and
- (v) the approver has received the agreement of the person carrying out or intending to carry out the work to submit the transfer certificate and transfer report.

In the event that ALL the above information is not provided to the Local Authority (under the provisions of the Transfer Certificate and Report) then the Local Authority can reject the Transfer Certificate and Report under Regulation 26 and those 'Grounds for Rejection' are stated in Schedule 5 of the RBCA Regulations 2024.