

08 December 2010

Our Ref: SB 006/005/010

To:
The Chief Executive
Unitary, Metropolitan, District and London Borough
Councils in England
County and County Borough Councils in Wales
The Town Clerk, City of London
The Clerk, Council of the Isles of Scilly
The Sub-Treasurer, Inner Temple
The Under Treasurer, Middle Temple

The Head of Building Control
Unitary, Metropolitan, District and London Borough
Councils in England
County and County Borough Councils in Wales
City of London
Council of the Isles of Scilly

Approved Inspectors

cc:
The Chief Executive: County Councils in England
National Park Authorities in England and Wales
The Chief Fire Officer, Fire Authorities in England
and Wales

Dear Sir or Madam,

Building Control by Approved Inspectors under Part II of the Building Act 1984 Designated Warranty Schemes for the purposes of the Warranty Link Rule

Introduction

1. This letter concerns the approval of the Construction Register Ltd, Residential New Build Policy as a Designated Warranty Scheme for the purposes of the Warranty Link Rule.

Background

2. ODPM Circular Letter dated 31 October 2005 detailed the introduction of the Warranty Link Rule which requires, when an Approved Inspector is carrying out the building control function in respect of new dwellings for private sale or renting, that those new dwellings are registered under a Designated Warranty Scheme. A copy of the Circular Letter can be found on the Department's website at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/142322.pdf>

3. Prior to 2005 only local authorities and the National House-Building Council's (NHBC) Approved Inspectors, who only undertook building control work on new dwellings for private sale or renting where its own new home warranty was in place for each dwelling, were allowed to undertake the building control function for new dwellings intended for private sale or renting. In order to open up the market to other Approved Inspectors and to protect consumer interests the Warranty Link Rule was introduced.
4. As indicated in Annex C of the October 2005 letter, before undertaking building control on building work involving the creation by new build or conversion of any new dwellings for sale or private renting, Approved Inspectors are required to ensure the proposed new dwellings are registered under a Designated Warranty Scheme. If the dwellings are not registered, the Approved Inspector must not undertake the building control or issue an Initial Notice. The Warranty Link Rule is an additional safeguard to the insurance cover under section 47(6) for AIs.
5. Should it become apparent during construction that a Designated Warranty Scheme is no longer in place the Approved Inspector must cancel the initial notice, which means that the building control for the scheme will then revert to local authority control (in accordance with Section 52 of the Building Act 1984).

Construction Register Ltd

6. Having met the criteria detailed in Annex E of the 31 October 2005 letter, and having provided the necessary assurances, the Construction Register Ltd, Residential New Build Policy is approved as a Designated Warranty Scheme for the purpose of the Warranty Link Rule. This has the effect of adding the Construction Register Ltd, Residential New Build Policy to the list of Designated Warranty Schemes that Approved Inspectors can accept in respect of the Warranty Link Rule.
7. Construction Register Ltd's contact details are as follows:

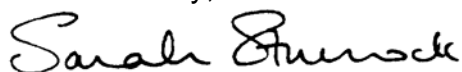
Kathy McKenna
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Enquiries

8. Any enquiries on this Circular Letter should be addressed to Sandra Simoni (Sustainable Buildings Division, DCLG, Zone 5/G10, Eland House, Bressenden Place, London, SW1E 5DU (tel: 0303 44 41781; e-mail: enquiries.br@communities.gsi.gov.uk).

Yours faithfully,



Sarah Sturrock
Head of Sustainable Buildings Division