



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

# Building Regulations Wales

# Circular

Circular number:		Date issued:	DD /	MM /	YYYY
Status:					
Title:					
Issued by:					
Addressed to:	Please forward to:				
Summary:					
For further information contact:					
	Direct Line: E-mail: Website:				

Dear Sir/Madam,

## **Building Control by Approved Inspectors under Part II of the Building Act 1984**

### **Introduction**

1. I am directed by Welsh Ministers to draw your attention to the removal, on 1 September 2013, of the Warranty Link Rule and the removal of the limitations on the types of dwellings in respect of which Approved Inspectors can undertake their building control function in **Wales**.

2. Office of the Deputy Prime Minister (ODPM) Circular letter dated 31 October 2005 detailing the introduction of the Warranty Link Rule is withdrawn in respect of building work in Wales.

The link to the ODPM circular dated the 31 October 2005 is at: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/142322.pdf> . The withdrawal takes effect on 1 September 2013.

### **Removal of the Warranty Link Rule**

3. The Warranty Link Rule was introduced in 2005 at the time that the new home building control market was opened up to Approved Inspectors other than NHBC (who had been operating in the sector since 1985) to alleviate concerns that Approved Inspectors did not have sufficient experience of supervising work on new homes. 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.

4. In April 2013 the Welsh Government consulted on changes to the Building Regulations in Wales which included the proposal to remove the Warranty Link Rule. The majority of those who responded were in favour of the proposal. A copy of the summary of responses can be found on the Welsh Government's website at: <http://wales.gov.uk/consultations/planning/building-control-system/?lang=en>

5. The removal of the Warranty Link Rule will now take effect from 1 September 2013 in respect of initial notices, amendment notices and combined initial notices and plans certificates given on or after 1 September 2013 for building work in Wales. From 1 September 2013 Approved Inspectors will no longer be required to check if new dwellings are registered with a designated warranty scheme provider before undertaking the building control function on building work involving the creation by new build or conversion of any new dwellings for sale or private renting.

6. The Warranty Link Rule did not apply to local authorities and therefore has no effect on the work undertaken by local authority building control bodies.

## **Designated Warranty Schemes**

7. With the removal of the Warranty Link Rule there will no longer be a requirement for designated warranty schemes to be in place for the purposes of the Warranty Link Rule and the current designations of such schemes will therefore lapse from and including 1 September 2013 in Wales. However, this does not affect the validity of warranties in place and those issued by a designated warranty scheme provider prior to 1 September 2013 will remain valid for the full 10 years of their term.

## **Approval of Approved Inspectors**

8. In accordance with the approvals and re-approvals issued by the Construction Industry Council, Approved Inspectors are approved for the purposes of Part II of the Building Act 1984 to supervise plans and all types of building work. In particular Approved Inspectors should note that the limitations previously placed on the types of dwellings in respect of which Approved Inspectors could undertake their building control functions will be removed from 1 September 2013.

9. Where any existing approvals make reference to the Warranty Link Rule that inclusion in the approval will be deemed to be null and void in respect of initial notices, amendment notices and combined initial notices and plans certificates given on or after 1 September 2013 in Wales (and the terms of the approvals should be read as if they did not include references to the Warranty Link Rule). The requirements of the Warranty Link Rule in respect of initial notices, amendment notices and combined initial notices and plans certificates given before 1 September 2013 in Wales remain in force. All approvals and re-approvals made on or after the 1 September will not contain any reference to the Warranty Link Rule.

## **Enquiries**

10. Any enquiries on this Circular Letter should be addressed to:

Colin Blick, Building Regulations, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ.

Telephone: 03000 628144.

E mail [Colin.Blick@wales.gsi.gov.uk](mailto:Colin.Blick@wales.gsi.gov.uk).

Yours faithfully

**Francois Samuel**  
**Head of Building Regulations**