

REF NO.	CASE DESCRIPTION	DECISION SUMMARY
<b>01/2016</b>	Rejection of Final Certificate by a local authority for works covered by an Initial Notice due to the certificate being submitted some 7 months after occupation of the premises.	<p>The mediation panel took the view that the local authority had followed the correct procedure set out in the Building (Approved Inspectors) Regulations 2010 although it admitted that the rejection of the Final Certificate should have set out the formal grounds for appeal.</p> <ul style="list-style-type: none"> <li>• The approved inspector should have issued a final certificate within 4 weeks of the premises opening and not wait 5 months before doing so</li> <li>• The approved inspector should have been aware of the occupation of the premises and requested an extension of time at an earlier date.</li> <li>• The panel considered that the second Initial Notice should not have been submitted, but it should have been returned, as the whole of the work had been carried out.</li> <li>• The local authority, although following the correct process, should have given consideration to major issues created for the building owner by not allowing a final certificate to be issued.</li> </ul>
<b>02/2016</b>	This case involves a project where an Initial Notice was submitted before work started but the work then commenced before the Initial Notice came into force. The Local Authority rejected (according to the AI) the Initial Notice and required the owner to follow the Local Authority route.	<p>The mediation panel referred to BCA Policy Note 2 (Work within 5 day period 2011) and sees no reason why this note should not be followed in this instance. The policy states that a responsible Approved Inspector would be expected to advise their potential client that such actions are not permissible in statute and either encourage their client to stay within the law by either waiting for the Initial Notice to become ‘in force’ or accepting instructions from the Local Authority.</p>
<b>03/2016</b>	A Local Authority has refused to accept an initial notice as they claim it does not describe the work to which it relates.	<p>The mediation panel agreed that the description on the Initial Notice should have been improved to better describe the work and use of any building to which it relates rather than just be a plot number and address. It was concluded that the Local authority were correct in their actions.</p>
<b>04/2016</b>	An Approved Inspector had reportedly submitted an Initial Notice to a Local Authority but no confirmation of receipt had been received. A Final Certificate was submitted upon completion of the project and the Local Authority refused to accept the validity of the Final	<p>The panel concluded, that based on the legal position, as there was not a valid Initial Notice in place the Approved Inspector had no authority to control the works. The final certificate should have been rejected within the 10 day period (as a non- valid Initial Notice is grounds for rejection under section 3 of Schedule 4 of the Building (Approved Inspector) Regulations).</p>

## Summary of BCA Mediation Cases 2016 -2018

	<p>Certificate due to the failure to serve and have accepted, the Initial Notice.</p>	<p>The panel also concluded the Local Authority had acted correctly albeit that they should have formally rejected the Final Certificate.</p>
<p><b>01/2018</b></p>	<p>Local authority's rejection of a part Final Certificate and refusal to accept a subsequently submitted Initial Notice</p>	<p>The mediation panel took the view that the local authority's actions regarding the rejection of the Part Final Certificate and refusal to accept a subsequently submitted Initial Notice were correct when referring to the submitted information from both the Approved Inspector and Local Authority in support of this case. Particular reference was made to the fact that an Initial Notice was reportedly never received and therefore no rejection was issued by the local authority.</p>