



**CERTIFICATES OF  
COMPLIANCE WITH  
PLANNING  
PERMISSION  
FROM WHAT DATE  
MUST THEY BE  
OBTAINED?**

**I**n December 1979 the Conveyancing Committee recommended that solicitors should only insist on Certificates of Compliance with Planning Permission in relation to secondhand houses built since 1st January, 1970. The Committee has received many queries in connection with this matter and it seems clear that the practice of getting Certificates of Compliance with Planning Permission in relation to all new houses was not as widespread as the Committee was led to believe when it made its original recommendation. Representations have been made to the Committee that in view of the fact that the date chosen is almost 19 years ago, that some adjustment be made in the date and also that some steps should be taken to lobby for some statutory limit in relation to planning.

Having considered the matter very carefully the Committee has decided that:

1. It is now revising its recommendation to only insist on Certificates of Compliance with Planning Permission in relation to houses built since 1st January, 1975. Consequential changes to the Contract and to the Requisitions will be made at the next reprint. It is not intended that this date would be reviewed regularly. The Committee has chosen a date at which it is satisfied it either was or should have been universal practice in relation to the purchase of new houses to obtain Certificates of Compliance.
2. The Society made representations several years ago to the Department of the Environment seeking the imposition of some statutory limit in relation to planning breaches. It is also understood that the topic may be dealt with in a forthcoming Report by the Law Reform Commission.

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**UPDATE: This Practice Note should be read in conjunction with the Practice Notes at page 7.14 (below) and page 7.32 hereof**

**CERTIFICATES OF  
COMPLIANCE**

**A** recommendation was published in the Gazette in December 1979 whereby the profession was advised that Architects' Certificates of Compliance with the Conditions in Planning Permissions and/or Bye Law Approvals should not normally be sought prior to 1970 and in the Gazette of August 1989 it was suggested that the date be changed to 1975. It has come to the attention of the Conveyancing Committee of the Law Society that a number of practitioners are unaware of the fact that this recommendation does not refer to the following:

- (a) Commercial or industrial properties.
- (b) Any alteration or extension to ANY premises since 1st October 1964 which would require Planning Permission and/or Bye Law Approval; and

It is not clear from General Condition 36 of the current edition of the Law Society Contract for Sale that this recommendation does not relate to commercial properties. The contract is currently under review and the condition will be suitably amended in the next edition.

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**UPDATE: See the Practice Note at page 7.32 hereof.**