



It is at present the universal practice for builders and vendors of new houses to furnish evidence of compliance with the conditions of the Planning Permission for the erection thereof. The normal evidence furnished is as follows:

- (1) Compliance with conditions requiring contributions is normally proved by furnishing copy letters from the planning Authority confirming compliance. In passing, it should be said that this is not always as simple as it might seem on a large estate with a variety of different Planning Permissions.
- (2) Compliance with the other conditions is proved by furnishing a Certificate from an Architect or Engineer, confirming that the Planning Permission (and usually also the Building Bye Laws Approval) relates to the house in question and that the house was completed in at least substantial compliance with the conditions thereof. The Law Society have agreed a form of Certificate with the Royal Institute of Architects and the Solicitors for the main Lending Institutions (Gazette - November 1978).

Many solicitors have enquired as to the correct requirements of a Purchaser's Solicitor or a Mortgagee's Solicitor dealing with the sale of a second-hand house built since 1st October 1964.

The Conveyancing Committee feel that it is unreasonable for Solicitors to insist now on being furnished with documentation which it was not the practice to furnish at the time. They have caused enquiries to be made as to when the practice of getting these Certificates of Compliance became general conveyancing practice and have been advised that it became so in 1970. The Committee accordingly advise members of the Society that in their opinion, the Solicitors should only insist on such Certificates on second-hand houses built since 1970.^{1 and 2}

In considering the matter, the Committee discussed the frequently stated belief that Solicitors need not concern themselves with any of these matters if the house had been built for over five years. The Committee were of the opinion that this theory does not have any basis in law.

CERTIFICATES OF COMPLIANCE WITH PLANNING PERMISSION

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*1. This date was changed to
1st January 1975. See both
Practice Notes at page 7.14
hereof*

*2. See also Practice Note
published at page 7.32
hereof*