



Guidance Note 1 – Revision A

Certification of Compliance with the Building Bye-laws (Jersey) 2007

A client who commissions a project that will be subject to a building permit will need to engage the services of an Approved Body for the certification of the structural design. They may use the States of Jersey Planning and Environment Department (PED) Certification Register (available at www.gov.je) to find such a body, or to check the registration of a known firm.

Once appointed, the Approved Body will nominate an Approved Certifier, employed by them, for the project. If the appointed Approved Body subcontracts the certification work to another Approved Body then they should advise the client of this arrangement. The Body should make sure that appropriate levels of professional indemnity insurance are in place to cover their contracted liabilities for the project and should confirm this to the client. The Approved Body should advise their client of the time and cost associated with the certification process prior to accepting an appointment. These costs should be identified separately to any other fees that may arise for other work in connection with the project.

It is imperative that when certifying the compliance of a building, stage or component, the process by which compliance was assessed is recorded in writing or in digital format and saved appropriately. The record of the Certifier's assessment process is subject to audit at any stage after submission of the certificate. It is, therefore, essential that all such records are completed and saved without delay. Assessing compliance is not a retrospective activity and must precede the signing of the certificate.

In this context, the design of building structures is assumed to comprise survey and investigation reports, structural calculations (including statements of assumptions), drawings and details (including reinforcement drawings), and the relevant parts of the specification for the works. Where the permit application involves alterations to an existing building, an appraisal of the effect on the existing building(s) and any building in the vicinity of the proposed works must be carried out and a written assessment of the effects must be prepared. In the case of Material Changes of Use Approved Certifiers have the responsibility for assessing whether design proposals satisfy the relevant requirements of the Building Bye-laws.

Certification should include scrutiny of design assumptions, calculation methods, drawings, relevant parts of the specification, and other documents as appropriate. Checking must be undertaken of the adequacy and mutual compatibility of all load-bearing elements. Certifiers must also bear in mind the requirements of the Building Bye-laws with regard to the durability of materials and their accessibility for maintenance and replacement.

The Certifier must take account of procurement practice specific to the project in deciding how to satisfy themselves of compliance with the Building Bye-laws. For instance, a building structure may include a number of design packages undertaken by different designers. Some of the components may be designed by contractors or subcontractors while others may be undertaken by designers who work for the Approved Body and yet others by specialists in a particular structural form. Irrespective of the source of the design, it is essential that it is independently checked for adequacy and for compliance with the Building Bye-laws. The Certifier should decide the appropriate level of checking.

The extent of scrutiny of detailed design is to be decided by the Certifier depending upon:

1. The scale of the project and degree of exposure of the public to risk.
2. The use of unusual or innovative design solutions
3. Any fragmentation of the design process.
4. The experience and competence of the designer

For the largest buildings and buildings that are structurally more complex or unusual, checking should be more comprehensive and independent of the designer. The more complex, unusual, or large the structure, the greater is the check level and independence required. For further guidance refer to Guidance Note 8.

Certifiers are responsible for identifying the required level and independence of checking to be undertaken and for the integrity of the checking process. This is a responsibility that cannot be delegated to others. They may delegate some aspects of the design check to other suitably qualified engineers and must do so if they do not themselves possess sufficient knowledge and experience of a particular aspect of the design. They must however retain responsibility for the compatibility of design assumptions (loading for example) made by different designers. Certifiers may establish conformity with the Building Bye-laws for any aspect of the design using any of the methods, alone or in combination, which meets the conditions given in section 4.6 of the Scheme Guide.

The Certifier should be aware that it is the building, not just the primary load bearing structure that is being certified for compliance with the structural requirements of the Building Bye-laws. Elements of the building, other than the primary load bearing structure, such as the external envelope, staircases, protective barriers, internal walls and suspended ceilings must also be considered before signing the certificate.

Except in the circumstances detailed in Guidance Note 8, the Scheme generally does not allow certification without checking by a second person. 'Two pairs of eyes' should be involved in order to give the Certifier adequate assurance of a sound design before the certificate is signed. Sole practitioners will therefore normally need to enter into an agreement with another firm for checking of design if they are the Certifier or should approach an Approved Body for the provision of certification services.

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