



Guidance Note 13

Guidance for when there is a change of Approved Certifier and/or Approved Body during a project

Revision A

Introduction

The legislation intends that the same Approved Certifier signs all design certificates on a project, including for staged warrant applications, and for amendments to warrant.

However, there may be circumstances where a change of Approved Certifier and/or Approved Body is necessary e.g.

- Approved Certifier no longer works for the Approved Body
- Retirement of an Approved Certifier
- Death of an Approved Certifier
- Dispute between the Client and the Approved Body/Approved Certifier

This Note provides guidance on matters which should be considered in these particular circumstances.

Obligations

A member of the Scheme who is asked to take over the certification of, or produce a Form Q for, a project, from another member shall consider their professional obligations as required by their Institution's code of conduct.

The new Approved Certifier/Approved Body should, where possible, seek the agreement of the former Approved Certifier/Approved Body to take over the role for a project.

An Approved Body taking over certification responsibility for a project must have in place a written appointment from the client, which covers the provision of certification services for the entire project (see Guidance Note 6).

In any circumstance where it is necessary for the Approved Certifier and/or Approved Body to change during the course of the certification process, the Verifier shall be notified by the applicant for Warrant/Responsible Person (see section 4.4.12 of the 2021 Scheme Guide for further information).

An Approved Certifier taking over certification of a project shall provide their client with a certificate to accompany an application for a further stage of the project and/or for an amendment to the design. The new Approved Certifier shall be satisfied that the design of the whole project meets the requirements of the relevant standards i.e. it is the amended design that is being certified, not solely the amendment to the design.

Transferring Access to a Project Account

To maintain a link between the certificates for a project, SER Admin will transfer access to the project account from the former Approved Body and/or Approved Certifier to the new Approved Body and/or Approved Certifier.

Once access to the project accounts has been transferred, the new Approved Body and/or Approved Certifier will be able to access a duplicate version of the most recent certificate generated for the project, thereby enabling the generation of further certificates and/or a Form Q.

The new Approved Body and/or Approved Certifier will not assume responsibility for the most recent certificate but will assume responsibility for the certification of the whole project as soon as a further certificate is issued.

The former Approved Body and Approved Certifier may still be audited on the original certificate(s) after access to the project accounts has been transferred.

An Approved Body taking over certification responsibility for a project shall contact SER Admin via admin@ser-ltd.com. The email shall include the following information:

- The number of the most recent certificate for the project
- The SER membership numbers and name(s) of the original Approved Certifier and Approved Body
- Confirmation of whether it is the Approved Certifier and/or the Approved Body that is to be changed
- The SER numbers and name(s) of the new Approved Certifier and/or Approved Body

The new Approved Body shall provide copies of any correspondence with the former Approved Body/Approved Certifier, in relation to the transfer, to SER Admin.

The email to SER shall be sent either by the Approved Body Certification Coordinator or an Approved Certifier listed in the record for the Approved Body taking over the certification of the project.

When access to a project account is to be transferred within the same Approved Body, SER Admin will assume that permission for the transfer is granted, and the transfer will take place within two working days.

When access to a project account requires transfer of access outside of the original Approved Body, SER Admin will check the membership status of the original Approved Body and Approved Certifier and the following will apply:

- In the event that the former Approved Body's membership has been resigned, expired or terminated SER will transfer access to the project account to the new Approved Body within two working days without notifying the former Certifier and/or Body.
- In the event that official records indicate that the former Approved Body has gone into administration or liquidation and, as a result, membership of the Scheme has been suspended or resigned, SER will transfer access to the project account to the new Approved Body within two working days without notifying the former Certifier and/or Body.

In all other circumstances, SER Admin will contact the former Approved Body's Certification Coordinator(s), via email, to request permission for access to the project accounts to be transferred. In the absence of a response from the original Approved Body within 15 working days, SER will proceed to transfer access to the project account(s) to the new Approved Body.

If the original Approved Body refuses permission for access to the project accounts to be transferred to the new Approved Body, SER will not do so.

In the absence of such permission, the legislation provides for the generation of a new certificate for the project and for the Local Authority to accept that certificate.

Obligations of the New Approved Certifier

Whereby the new Approved Certifier is responsible for the certification of the amended design (and not simply the amendment to the design), reasonable inquiry must be made as to the scope and adequacy of any previously certified work.

Where the new Approved Certifier is working for the same Approved Body as the former Approved Certifier it may be appropriate for the Approved Certifier to rely, to some extent, on information used for previous certification. This may also be the case where the former Approved Certifier has given permission for access to the project accounts to be transferred to the new Approved Certifier.

Where permission has not been given for access to the project account to be transferred to the new Approved Certifier, careful consideration should be given as to whether it is appropriate to place any reliance on information used for previous certification. Permission to use information for the certification by a new Approved Certifier may be required from the relevant designers.

Form Qs

The procedures detailed above for transferring access to project accounts also apply to projects for which a change of Approved Certifier and/or Approved Body is required so that a Form Q can be produced for a certificate generated via the SER website after October 2016 (i.e. those for which it is possible to generate a Form Q via the website).

If the former Approved Body refuses permission for access to the project accounts to be transferred, SER will not do so. The legislation provides for an Approved Certifier issuing a Form Q outside of the system using the model Form Q which can be downloaded from the BSD website at:

<https://www.gov.scot/publications/building-standards-forms/>

When completing a Form Q, the Approved Certifier is only required to review the finalised design information submitted by third party designers for elements of the building that are listed on Schedule 1, and to confirm that the design has been finalised and that it is in accordance with the relevant performance specification and design intent.

There is no obligation to review and certify the design of other elements of the building. Therefore, transferring access to a certificate for the purposes of generating a Form Q only does not require the Approved Body/Approved Certifier to assume responsibility for the certification of the whole project.

If the design does not comply with the performance specification, then the Approved Certifier should not sign the Form Q.

If the design does not comply with the performance specification but is compatible with the primary certified structural design and satisfies the requirements of the regulations, then the Approved Certifier/Approved Body should advise the applicant or their agent that an application for amendment to the Building Warrant may be required by the Verifier for the changes.

November 2023