

## **Scheme for Certification of Design (Building Structures)**



# **SCHEME FOR CERTIFICATION OF DESIGN (BUILDING STRUCTURES)**

in accordance with the requirements of the  
BUILDING (SCOTLAND) ACT 2003  
BUILDING (SCOTLAND) REGULATIONS 2004

**Structural Engineers Registration Ltd**

**SCHEME**

**June 2006**

The Scheme for Certification of Design (Building Structures) was established as a result of a joint initiative by the Institution of Structural Engineers (IStructE) and the Institution of Civil Engineers (ICE). The Guide describes the Scheme and its operation and is issued by Structural Engineers Registration Limited (SER), the scheme provider. Information about SER may be found at [www.ser-ltd.com](http://www.ser-ltd.com).

Persons who are approved to certify design of building structures under the Building (Scotland) Act 2003 appear on the Certification Register. The Register is maintained by the Scottish Building Standards Agency on behalf of the Scottish Ministers, at [www.sbsa.gov.uk](http://www.sbsa.gov.uk)

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# SCHEME

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## Scheme for Certification of Design (Building Structures)

# 1 GLOSSARY OF TERMS AND ABBREVIATIONS

|                                  |  |
|----------------------------------|--|
| <b>Act</b>                       | Building (Scotland) Act 2003   |
| <b>Applicant</b>                 | The applicant for a building warrant is usually a building owner or a developer. The applicant must demonstrate the compliance of their proposals with the Building (Scotland) Regulations 2004 and they may choose to do so by submitting certificates by Approved Certifiers of Design (Building Structures) in support of their application for building warrant. (Note that an applicant may use an agent to make an application.) |
| <b>Approved Body</b>             | A firm, public body, or other organisation that is a member of the Scheme  |
| <b>Building Regulations</b>      | Building (Scotland) Regulations 2004   |
| <b>Certificate</b>               | A certificate of design (building structures) issued by an Approved Certifier  |
| <b>Certifier</b>                 | An Approved Certifier of Design (Building Structures), i.e. a Chartered Structural or Civil Engineer who is a member of the Scheme   |
| <b>Certification Coordinator</b> | A person employed by an Approved Body who countersigns Certificates  |
| <b>Firm</b>                      | A company, partnership, contractor, or sole practitioner   |
| <b>ICE</b>                       | Institution of Civil Engineers   |
| <b>IStructE</b>                  | Institution of Structural Engineers  |
| <b>Procedure Regulations</b>     | Building (Procedures) (Scotland) Regulations 2004  |
| <b>Register</b>                  | The register of approved certifiers of design, approved certifiers of construction, Approved Bodies and schemes maintained by the Scottish Building Standards Agency on behalf of the Scottish Ministers at <a href="http://www.sbsa.gov.uk">www.sbsa.gov.uk</a>   |
| <b>SBSA</b>                      | Scottish Building Standards Agency, a Scottish Executive agency  |
| <b>Scheme</b>                    | Scheme for the Certification of Design (Building Structures)   |
| <b>SER</b>                       | Structural Engineers Registration Ltd  |

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|                          |  |
|--------------------------|--|
| <b>sole practitioner</b> | A single engineer who does not employ any other engineers and who is not an employee of any other type of firm   |
| <b>structural design</b> | Structural calculations, drawings and details, including reinforcement drawings, survey and investigation reports, and the relevant parts of the specification for the works. In the case of alterations to an existing building, survey of the condition of the existing structure and assessment of the effect of the alteration on the stability of the completed building are also included. |
| <b>Verifier</b>          | Body appointed by Scottish Ministers to oversee the administration of the building warrant process. For the foreseeable future, these bodies will be Scottish Local Authorities  |

See also the Glossary in the Scottish Building Standards Certification Handbook.

## **2 LEGISLATION AND SBSA GUIDANCE**

Building (Scotland) Act 2003

Building (Scotland) Regulations 2004

Building (Procedures) (Scotland) Regulations 2004

Building (Fees) (Scotland) Regulations 2004

Building (Forms) (Scotland) Regulations 2005  
(Model forms are available from [www.sbsa.gov.uk](http://www.sbsa.gov.uk) )

SBSA (2004) Scottish Building Standards Technical Handbook: Domestic

SBSA (2004) Scottish Building Standards Technical Handbook: Non-Domestic

SBSA (2004) Scottish Building Standards Procedural Handbook

SBSA (2004) Scottish Building Standards Certification Handbook for schemes approved under Section 7(2) of the Building (Scotland) Act 2003

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### **3 FOREWORD**

The purpose of building regulations, as defined by the Building (Scotland) Act 2003 is to secure the health, safety, welfare and convenience of people, to further the conservation of fuel and power, and to further the achievement of sustainable development, with respect to the design, construction, demolition and conversion of buildings and the provision of services, fittings and equipment in or in connection with buildings.

Prior to 1st May 2005, compliance with the requirements of the Building (Scotland) Act 1959 and associated building regulations was achieved using Technical Standards set by the Scottish Executive. The Building Control system was administered and enforced by local authorities.

A new system was introduced under the Act and the Building (Scotland) Regulations 2004, based on building standards that define the functions a building has to perform. This approach introduced greater flexibility than the former system of Technical Standards that could only be altered by a Scottish Statutory Instrument. The new system accommodates the rapid change necessary to comply with the requirements of the Construction Products Directive, which aims to ensure that building regulations should not form a barrier to trade, and for the adoption of harmonised European Standards.

Under the new system, designers of buildings have more opportunity to offer alternative ways of complying with the functional standards. However, the risk to public safety, as a consequence of inadequate building performance, is related more directly now to the competence and integrity of the individuals involved with the design process.

The new system introduced the possibility of certification of compliance with the building regulations by Approved Certifiers of design and Approved Certifiers of construction. The system is grounded on the principle that suitably qualified and experienced building professionals can accept responsibility for ensuring compliance with the building regulations, without the need for detailed scrutiny of design by verifiers, provided they are employed by reputable firms or organisations that operate a system of careful checking.

On 4<sup>th</sup> November 2004, the Scottish Ministers approved a Scheme for Certification of Design (Building Structures) and the Scottish Building Standards Agency (SBSA) appointed Structural Engineers Registration Ltd (SER) to provide that Scheme.

In order to establish the competence of those certifying the design of building structures, individual chartered engineers are approved for membership of the Scheme and placed on a Certification Register maintained by the SBSA. An individual member of the Scheme may perform the functions of an Approved Certifier of Design (Building Structures).

To fulfil their role properly, Certifiers must have adequate support from their employers, or the firms to whom they are contracted to certify a project. In order to provide certification services, a firm (company, partnership, contractor, or sole practitioner), public body, or other organisation must meet the conditions to become a member of the Scheme as an Approved Body.

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All certificates must be signed by both an Approved Certifier and the Certification coordinator of the Approved Body employing the Approved Certifier.

SER is responsible for operating the Scheme and is subject to audit by SBSA. The Scottish Registration Board of SER assesses all applications for membership from individuals and firms. SER will commission audits of the certification practice of Scheme members.

Any firm that chooses not to be included in the Register is not precluded from gaining a building warrant for the designs they prepare. Whilst the 1992 system of self-certification has been discontinued, it is still possible to submit un-certified designs to the Verifier, which is normally the local authority in whose area the project is to be built. However, it may be expected that the time taken to achieve a building warrant will be significantly longer than for an application supported by a Certificate of Design (Building Structures). Alternatively a firm can arrange a subcontract with an Approved Body to provide certification services or clients can directly appoint an Approved Body to the design team.

It is important that all parties involved in the design, construction, and approval of buildings covered by the Building Regulations clearly recognise and understand the differences between the system prior to May 2005 and that introduced under the new Regulations and the associated provisions of this Scheme.

These differences are far reaching and do not simply result in the adoption of a “new look” design certificate. They impose duties and responsibilities on Certifiers which were not clearly defined under the previous Regulations (prior to 1 May 2005), e.g. it is the building which is being certified - not simply the primary loadbearing elements of the structure - and this may involve aspects of the construction not previously considered to be part of the remit of the structural engineer. The Act also introduces the possibility of criminal prosecution in the event of reckless certification.

In consequence individual Certifiers are now required to undertake additional actions, which may not previously have been considered to be part of a structural engineer’s remit. It is the responsibility of the Approved Body which employs the Certifier to negotiate appropriate fee levels commensurate with the work involved and to permit the Certifier adequate time and resources to undertake all enquiries necessary to satisfy themselves that works covered by the certificate comply with the building regulations.

The new system came into effect on 1 May 2005 and applies to projects where the building warrant application is lodged after that date.

This document describes the Scheme, its management and the management processes. The Scottish Building Standards Certification Handbook and Procedural Handbook describe the provisions of the Act and of the Building (Procedures) (Scotland) Regulations 2004.

The Scheme is based on the guidance given in SBSA’s Certification Handbook.

## **4 THE SCHEME**

### **4.1 Authority and scope of the Scheme**

- 4.1.1 The authority for the Scheme is derived from Section 7(2) of the Act. The Scheme places the responsibility for certification on its members.
- 4.1.2 The scope of the Scheme for Certification of Design (Building Structures) is the certification of work described in applications for building warrant or amendment to warrant as complying with the Building (Scotland) Regulations 2004 with respect to Standards 1.1 and 1.2 of Schedule 5, which relate to the structural performance of buildings. Certification applies to Regulations 8, 9 and 12 only. Regulations 10 and 11 are specifically excluded from the scope of the Scheme.
- 4.1.3 It is necessary for Certifiers to be clear about the scope of work covered by any design certificate that they sign in relation to a particular project. In this context, reference should be made to the definition of ‘building’ contained within the Act and reproduced in SBSA’s Technical Handbooks.
- 4.1.4 The Scheme does not include any designations for specialisms.
- 4.1.5 The Scheme is provided by Structural Engineers Registration Ltd (SER), which was first appointed by the Scottish Building Standards Agency on 4<sup>th</sup> November 2004.
- 4.1.6 The Scheme and SER, the scheme provider, are subject to annual audit by the SBSA.

### **4.2 Membership of the Scheme**

- 4.2.1 Membership of the Scheme is subject to criteria defined by SER and approved by the Scottish Ministers.
- 4.2.2 SER will forward details of membership of the Scheme to the SBSA Certification Register every 7 days, or within 24 hours in the case of termination of membership or resignation.
- 4.2.3 Membership of the Scheme (both individual membership and membership of bodies) is for a term of 5 years and is subject to the payment of a membership fee on joining the Scheme and an annual subscription.
- 4.2.4 Members may apply to renew their membership.
- 4.2.5 Members are subject to audit at any time to be decided as necessary by SER, but normally on at least one occasion prior to the renewal of membership.

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- 4.2.6 An individual member is entitled to exercise the function of an Approved Certifier of Design (Building Structures), referred to in this guide as a Certifier. That function is to examine the work described in an application for building warrant and where appropriate to certify that it complies with the Building (Scotland) Regulations 2004 with respect to Standards 1.1 and 1.2 of Schedule 5. Certifiers should also certify any application for any amendment to warrant which includes a structural content. A Certifier must not certify any work that does not comply with the Building Regulations and must not certify any work that has not been checked for compliance with the building regulations. A Certifier issues a certificate, using the prescribed form, to the applicant for building warrant or amendment to warrant who submits the application to the Verifier noting the number of the certificate in an annex to the application.
- 4.2.7 A firm, public body, or other organisation that is a member of the Scheme may act as an Approved Body to supply certification services within the scope of the Scheme.
- 4.2.8 An Approved Body must employ at least one Approved Certifier of Design (Building Structures), support the work of Certifiers in specified ways, hold appropriate levels of professional indemnity insurance, and designate a Certification Coordinator who may or may not be a Certifier.
- 4.2.9 The Certification Coordinator of the Approved Body that is contracted to provide certification services for the warrant application must countersign certificates issued by the Certifier.
- 4.2.10 A Certifier is given a personal registration number and may leave an Approved Body without loss of that number. The individual uses that number if subsequently employed by another Approved Body. However, if subsequently employed by a firm not on the Register, the individual cannot act as a Certifier.

## **4.3 Scheme management**

- 4.3.1 SER is a Limited Company, registered at Companies House. It is a subsidiary of the Institution of Structural Engineers. The memorandum and articles of association may be seen at [www.ser-ltd.com](http://www.ser-ltd.com).
- 4.3.2 SER and the Scheme have the full support of the IStructE and the ICE.
- 4.3.3 The Board of Directors of SER is responsible for:
- 1) continuing review of the operation of the Scheme;
  - 2) implementation of the Code of Conduct;
  - 3) appointment of the Scottish Registration Board;
  - 4) appointment of auditors;

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- 5) determining fees for membership on joining, annual renewal of membership, certificate fees, and remuneration to members of the Scottish Registration Board and to auditors;
- 6) approval of reports on Scheme finances;
- 7) reporting on the Scheme to the SBSA.

4.3.4 The Board of Directors of SER comprises:

- 1) 3 members nominated by IStructE
- 2) 1 member nominated by ICE
- 3) 1 independent member

The Board is assisted by the Company Secretary.

4.3.5 The operation of the Scheme is managed and administered by:

- 1) Chief Executive
- 2) Head of Certification
- 3) Administrator

4.3.6 The assessment, auditing, and approval of membership are directed by the Scottish Registration Board which is appointed by the Board of SER. The Scottish Registration Board comprises:

- 1) Chairman
- 2) 8 Members or Fellows of ICE and/or IStructE with appropriate experience, with the agreement of both the ICE and the IStructE, normally appointed for three years.

4.3.7 The quorum of the Scottish Registration Board is 5 members.

4.3.8 The Scottish Registration Board carries responsibilities and duties delegated to it by the Board of Directors of SER as follows:

- 1) to assess applications from individuals and firms for Scheme membership and to recommend acceptance or rejection, or request additional information; or call the candidate for interview.
- 2) to exercise appropriate quality control of the issue of certificates by review of reports of audits of the certification practice of members; and
- 3) to review the Scheme and its operation and recommend any changes that it considers necessary.

4.3.9 Members of the Registration Board are paid for their work

## **4.4 Criteria for individual membership**

4.4.1 Membership is restricted to chartered engineers who are Members or Fellows of IStructE or ICE (i.e. MStructE, FStructE, CEng MICE, or CEng FICE).

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4.4.2 Beyond that, candidates must fulfil the following criteria:

- 1) generally, to have a minimum of five years relevant experience of the design of building structures, gained after award of chartered membership of ICE or IStructE;
- 2) to agree to adopt appropriate procedures to satisfy themselves of the compliance or non-compliance of design work described in an application for building warrant or amendment to warrant;
- 3) to declare that they will only certify if they have sufficient knowledge and understanding of the Building (Scotland) Regulations 2004, the Technical Handbooks; relevant codes of practice and design guides.
- 4) to agree to undertake appropriate CPD and to declare at annual intervals their CPD record;
- 5) to declare their experience and expertise in specified aspects of structural design of buildings and to take account of this declaration in their certification practice;
- 6) to undertake to understand the Scheme's requirements as described in this Scheme Guide;
- 7) to undertake to abide by the Code of Conduct;
- 8) to keep a logbook that details all certificates issued together with a record of the basis of decisions on compliance and details of any 3<sup>rd</sup> party relied on in making decisions on compliance; and
- 9) to agree to submit evidence of their certification practice to audit by SER on request, including the logbook of certificates issued.

4.4.3 An individual Scheme member, a Certifier, may describe themselves as an Approved Certifier of Design (Building Structures).

4.4.4 Membership does not entitle the use of designatory letters such as 'AC', 'ACD' or 'SBSA' or any logo, including the logos of SER, IStructE, ICE, SBSA, and the Scottish Executive.

4.4.5 Individual members will be issued with a certificate of membership of the Scheme. Certificates remain the property of SER and must be returned to SER should the individual cease to be a member of the Scheme for whatever reason.

## **4.5 Criteria for membership of bodies**

4.5.1 Criteria for the membership of firms, public bodies, or other organisations are given below. Approved Bodies are required to:

- 1) employ at least one Approved Certifier of Design (Building Structures) so that applications must either:
  - be accompanied by an application for membership of an individual who is permanently employed by the body; or
  - identify an engineer who has already achieved Certifier status with another Body but who has transferred their employment to the body seeking membership

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- 2) have in place appropriate auditable checking procedures to assure the quality of certification activities (formal accreditation such as ISO9000 is not mandatory);
  - 3) agree to maintain adequate professional indemnity cover for any project certified by an Approved Certifier of Design (Building Structures);
  - 4) provide access for Certifiers to all relevant legislation, handbooks, codes, standards and guides;
  - 5) make provision to promote the continuing professional development of Approved Certifiers of Design (Building Structures), in support of certification activities (including both technical and procedural training) to a level appropriate to that required by their respective professional institutions;
  - 6) designate a Certification Coordinator to countersign certificates completed by a Certifier who is employed by the Approved Body;
  - 7) undertake to understand the Scheme's requirements as described in this Scheme Guide;
  - 8) undertake to abide by the Code of Conduct;
  - 9) report any changes in staffing to SER with regard to Approved Certifiers of Design (Building Structures) or the Certification Coordinator; and
  - 10) to agree to an audit of their certification activities by SER on request.
- 4.5.2 Bodies with more than one office are required to make a separate application for each branch office that wishes to offer certification services. Only offices or branch offices that employ at least one Certifier are eligible for membership.
- 4.5.3 A sole practitioner can be both a Certifier and an Approved Body and must submit both application forms.
- 4.5.4 An Approved Body may describe itself as an Approved Body for Certification of Design (Building Structures).
- 4.5.5 Certification Coordinators of Approved Bodies will be issued with a certificate of membership of the Scheme. Certificates remain the property of SER and must be returned to SER should the Approved Body cease to be a member of the Scheme for whatever reason.

## **4.6 Duties of an Approved Certifier of Design (Building Structures)**

- 4.6.1 The Certifier should be satisfied that their knowledge and experience enables them to discharge the responsibility of certifying a particular design, bearing in mind the type of structure, materials used, complexity or unusual nature of the project. If appropriate, the Certifier should call on other suitably qualified and experienced engineers for advice or to undertake specific checks in order to be satisfied with the design. However, certification is the responsibility of the Certifier alone.
- 4.6.2 A Certifier must undertake certification in a methodical manner, for example by using a certification plan or a check list for each project, and record sufficient detail in a logbook which can be audited by SER.

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- 4.6.3 The certificate applies to the whole of the work described in the application for building warrant, including any component parts of the structure designed by others such as proprietary products and parts designed by sub-consultants or contractor-designers. Where components of the structure, e.g. precast floors, roof trusses or cladding components, are designed by others, the Certifier must make sufficient enquiry to be satisfied that these components are properly specified and of appropriate quality. The enquiry may include scrutiny of any certificate issued by the British Board of Agrèment or other testing organisation accredited within a European Union member state for that purpose. The Certifier may not rely on 'design certificates' produced by other designers to relieve them of their responsibilities for checking the adequacy of the design.
- 4.6.4 The Certifier must take account of any requirements of Scottish Building Standards other than 1.1 and 1.2, such as those relating to fire protection, accessibility, etc. which may influence whether the design of the building structure satisfies the Building (Scotland) Regulations 2004. Certifiers should note however that the Scheme does not extend to the Standards within Section 2 of Schedule 5 dealing with structural fire performance. Any structural calculations undertaken to address matters covered by these Standards will require to be submitted to the Verifier for checking.
- 4.6.5 In all cases, the design of the structure must be certified by a Certifier and countersigned by the Certification Coordinator of an Approved Body. However, the design may be undertaken by any competent person who is not a Chartered Civil or Structural Engineer.
- 4.6.6 In general, it is expected that the body carrying out the design will also undertake the certification. It is recognized, however, that this will not always be the case and the design body may wish to sub-contract certification to a third party Approved Body. In this case the third party Approved Body must carry professional indemnity insurance appropriate to the certification duties.
- 4.6.7 Schedule 2 to the Act prohibits a Verifier from certifying any matter for which they act as verifier. Any Approved Certifier that is employed by a Verifier, or an Approved Body that is also a Verifier, is not entitled to issue any certificates that relate to an application it is verifying.
- 4.6.8 The adoption of appropriate levels of checking of designs before they are certified is a fundamental part of the Scheme. It is the Certifier's responsibility to determine the appropriate checking regime for any particular project. Reference should be made to Technical Bulletin No 2 for the limited range of projects where a Certifier may also be the designer and the checker. Technical Bulletin 2 also provides general guidance on checking.
- 4.6.9 The Certifier is expected to notify the designer if they have identified non-compliance with any aspect of the building regulations relating to structure, and to re-examine the design when changes have been made.

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- 4.6.10 An important feature of the system is that it requires one Certifier to have a holistic overview of the building structure for the whole of any warrant application and, wherever practicable, for any application for amendment.
- 4.6.11 In some cases, building projects may be granted a staged warrant, permitting details of future stages to be provided later with an application to amend the warrant. The scheme allows its members to certify up to the stage agreed with the verifier. This arrangement is suitable where the future stages are structurally independent, or where the loads that may be imposed by future stages can be reliably determined. For example, the foundations may be certified prior to the certification to include above-ground structure, and certification up to roof level may precede certification to include roof structure. Note that the original warrant is for the whole building with the condition that work cannot proceed on the future stages until an amendment to warrant has been granted. Ideally the same Certifier should be used at each stage, but a change of Certifier may be unavoidable.
- 4.6.12 It must be clearly understood that the design certificate is intended to relate to design work which has been completed, except as explained in 4.6.13, and complies with the Regulations and is not a statement that the design, after it is finished, will comply with the Regulations. The signing of a certificate in respect of design work which has not been completed is contrary to the intentions of both the Regulations and the Scheme and may lead to disciplinary action or prosecution.
- 4.6.13 However, it is recognised that on many construction projects standard components or details (for example, timber roof trusses, steelwork connections and piling) are designed by a specialist contractor often some time after the general layout design of the structure has been completed. Other components, such as precast floor units or anchor fixings, may be chosen on the basis of information presented in manufacturer's catalogues or test certification however these may not be specified at the time the warrant application is lodged. In such circumstances the certificate may be accompanied by a schedule (in a prescribed format) listing any structural items or details which the certificate does not cover in detail. The warrant plans accompanying the application must contain performance specifications for the items listed on the schedule. The building warrant granted by the Verifier is then accompanied by a notice that must be returned, signed by both the Certifier and the Approved Body, once the Certifier is satisfied that the detailed design of the items listed on the schedule complies with the Regulations. The Verifier will refuse to accept a completion certificate unless the notification has been returned. (For further details of this procedure refer to Technical Bulletin No1).
- 4.6.14 It is the intention of the Act that an individual Certifier should be responsible for all aspects of the structural design and should certify all of the structural aspects of the entire completed building. In the case of staged warrant applications each design certificate should therefore normally be signed by the same individual.

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- 4.6.15 In exceptional circumstances this may not be possible (e.g. if for any reason the Certifier of the initial stages of the work is no longer available). In this eventuality the Certifier of the later stages of the works must not sign the relevant design certificate(s) unless and until they have satisfied themselves of the adequacy of all of the preceding stages of the work and the mutual compatibility of the various stages of the works.
- 4.6.16 Individuals may change their employment during the course of their careers. A change of employer may have implications in respect of staged warrants for work which has yet to be completed. This situation may be handled in one of two ways:
- 1) Although the Certifier must be employed by an Approved Body at the time of certification, there is no requirement for the same Approved Body to be the Certifier's employer for all stages of the project, and to be named as such on each certificate. It is therefore acceptable for the Approved Body to change between warrant stages. However if this approach is adopted it must be clearly understood that the Approved Body for the later stages of the project is also accepting certification responsibility for the earlier stages of the works.
  - 2) Alternatively the initial Approved Body can retain all responsibility for the project and appoint a different Certifier (in which case the requirements of 4.6.15 above will apply).
- 4.6.17 In any circumstances relating to staged warrants where it is necessary for the Certifier or Approved Body to change during the course of the warrant application process, the applicant for warrant should write to the Verifier pointing out the change, detailing how it has been dealt with and confirming that both the Certifier and Body are accepting responsibility for compliance with the regulations for all stages of the project. A new Body should secure an appropriate appointment from the client covering the provision of certification services for the entire project.
- 4.6.18 All applications for stage warrants shall clearly define the extent of the works covered in detail by the application, and accompanying design certificate. The design certificate covers the whole building on the warrant application but confirms that only the design for the current stage is complete.
- 4.6.19 The duty to comply with the building regulations rests with the applicant for a building warrant, usually a building owner or developer. (Note that an applicant may use an agent to make an application.) Once the building is complete, the "relevant person" (as defined by the Act) must submit to the Verifier a completion certificate confirming that the building complies with both the Building (Scotland) Regulations 2004 and the building warrant. The Certifier should ensure that the relevant person has been supplied with any information regarding the design which the certifier regards as necessary to enable a completion certificate to be signed.

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### **4.7 Duties of an Approved Body (Certification of design of building structures)**

- 4.7.1 The Approved Body must provide an environment that supports the Certifier and maintain the conditions under which it was approved. The criteria for membership of an Approved Body are given in 4.5.1.
- 4.7.2 The Certification Coordinator of an Approved Body must not countersign certificates for any period during which the Body does not employ an Approved Certifier.
- 4.7.3 The Certification Coordinator is responsible for ensuring that the conditions under which the Approved Body was approved are fulfilled and maintained, except in the case of a change of Certification Coordinator. Any change must be reported to SER.
- 4.7.4 An Approved Body, is also required to allocate adequate time and resource to the certification process in order to
- provide the support described above. An Approved Body should advise their clients of the amount of time and cost associated with the certification process prior to accepting appointment of their Certifier.
- 4.7.5 Approved Bodies must make provision to ensure that an Approved certifier who they employ is adequately protected from financial loss as a consequence of undertaking certification work on their behalf.
- 4.7.6 Approved Bodies must undertake a review of the risks associated with any certifier appointment and ensure that appointments have been based on appropriate contractual terms and conditions. Consideration should be given to limiting liabilities as a certifier through separate appointments to those as designer.

### **4.8 Code of Conduct**

- 4.8.1 The Scheme is dependent on trust and strict adherence to this Code of Conduct.
- 4.8.2 The Scheme requires that its members, the persons employed or engaged by SER, and members of any board or panel intended to further the purposes of the Scheme and SER:
- 1) act with integrity and fairness;
  - 2) have regard to the public interest and to the interests of all those affected by their activities;
  - 3) do not maliciously or recklessly injure or attempt to injure the reputation of another person;
  - 4) avoid conflicts of interest; and
  - 5) uphold the reputation of the Scheme.

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4.8.3 The Scheme requires that individual members that perform the function of Approved Certifiers of Design (Building Structures):

- 1) exercise appropriate skill, care, diligence and judgment in undertaking the certification of Design (Building Structures) with respect to the Building (Scotland) Regulations 2004;
- 2) adhere to the professional Rules of Conduct of the IStructE or the ICE;
- 3) do not represent themselves as having expertise or experience that they do not possess;
- 4) maintain and broaden their expertise;
- 5) undertake only those tasks for which they have appropriate expertise and experience;
- 6) do not certify work designed by others without carrying out necessary checks to satisfy themselves of the adequacy of the design and compatibility within the whole structure;
- 7) acknowledge that for some projects they may lack appropriate experience to enable them to act as the Certifier; and
- 8) disclose to SER if they have been convicted of an offence by a court or have been subject to an adverse finding of any kind by any tribunal, court or other authority.

## **4.9 Complaints and Appeals**

4.9.1 SER has complaints and appeals procedures approved by SBSA. Details of these may be found in Appendix A

## 5 MEMBERSHIP PROCESSES

### 5.1 Applications for membership

- 5.1.1 All applications for membership are to be submitted on-line to SER at [www.ser-ltd.com](http://www.ser-ltd.com).
- 5.1.2 Payment of the membership joining fee may be made on-line by debit card or credit card, or by cheque.
- 5.1.3 Once payment has been made the completed application form will be e-mailed to the person applying. A hard copy should be downloaded, signed and posted to the Head of Certification at SER, 11 Upper Belgrave Street, London, SW1X 8BH for confirmation.
- 5.1.4 The application will not be assessed until the signed hard copy is received.
- 5.1.5 The joining fees (as at March 2006) are as follows:
- |                                |                        |      |
|--------------------------------|------------------------|------|
| Approved Certifiers of Design: | Individual membership: | £25  |
| Approved Bodies:               | Sole practitioners     | £50  |
|                                | Other bodies           | £100 |
- Fees are subject to annual review by the Board of SER. For up to date figures refer to [www.ser-ltd.com](http://www.ser-ltd.com)
- 5.1.6 An appeal to SER may be lodged if an application for membership is rejected (see Appendix A).

### 5.2 Assessment of applications for membership

- 5.2.1 The Scottish Registration Board will nominate pairs of Board members to assess each application for membership of the Scheme, once the Administrator has checked the electronic application for completeness and the eligibility criterion regarding qualifications.
- 5.2.2 Members of the Scottish Registration Board must declare any current or past interest in candidates.
- 5.2.3 The assessors will grade each application in one of three ways:
- 1) Does not satisfy the criteria for membership;
  - 2) Satisfies the criteria for membership;
  - 3) Can not be decided: call for more information or applicant for interview.
- 5.2.4 Following this grading and any interview, the nominated pairs of members will submit their recommendations to the Scottish Registration Board as a whole for approval of their decisions. The recommendations of the Scottish

## **Scheme for Certification of Design (Building Structures)**

Registration Board are subject to ratification by the SER Board of Directors and will be recorded and reported to the candidate by the Head of Certification.

### **5.3 Maintaining membership**

5.3.1 Membership is subject to an annual subscription (as at March 2006) as follows:

|                                |                       |      |
|--------------------------------|-----------------------|------|
| Approved Certifiers of Design: | Individual membership | £25  |
| Approved Bodies:               | Sole practitioners    | £50  |
|                                | Other bodies          | £100 |

Fees are subject to annual review by the Board of SER. For up to date figures refer to [www.ser-ltd.com](http://www.ser-ltd.com)

5.3.2 If fees for membership of a Certifier or Approved Body remain unpaid for one month after the due date, membership may be suspended. If fees remain unpaid for 3 months, the membership of the Certifier or Approved Body is terminated. A full re-application is required prior to re-instatement.

5.3.3 Certifiers who wish to continue their membership must provide an annual report on their CPD.

5.3.4 Certifiers who wish to amend their declaration of competence may make separate application at annual intervals.

5.3.5 Certifiers are required to maintain an up to date log book of all certificates issued.

5.3.6 Bodies must retain, for audit purposes, evidence of professional indemnity insurance for all projects certified.

5.3.7 The Certification Coordinator of an Approved Body is not permitted to countersign certificates during any period when the body does not employ at least one Certifier and must inform SER of any such periods.

5.3.8 Any member who wishes to resign their membership must inform SER who will notify SBSA by the end of the next working day.

5.3.9 Membership may be terminated, or other disciplinary action taken, at any time following properly conducted appeals and disciplinary procedures (see Appendix A). SER will notify SBSA by the end of the next working day.

### **5.4 Auditing of Scheme membership and certificates issued**

5.4.1 SER will audit certification practice by the membership of the Scheme and the certificates issued.

5.4.2 Three forms of audit may be undertaken:

## **Scheme for Certification of Design (Building Structures)**

- 1) audits within 5 years of the latest approval of membership;
  - 2) targeted audits at the request of the Head of Certification, following discovery or complaints of poor practice;
  - 3) random audits.
- 5.4.3 SER reserves the right to phase the audit programme in order to make sensible use of resources. During the initial operation of the Scheme, audits will be arranged such that approximately 20% of members are considered each year. There will be no charge for audits. Instead, auditing will be financed from certificate fee income.
- 5.4.4 SER will give at least 10 working days' notice of an audit.
- 5.4.5 Audits will normally be undertaken by members of the Scottish Registration Board assisted, where necessary, by appropriately experienced Chartered Civil or Structural Engineers who have been appointed by SER to a pool of auditors for the Scheme. The recruitment of auditors will be initiated by the advertising of vacancies.
- 5.4.6 The Board of Directors of SER will appoint and employ the auditors. Auditors will be paid for their work.
- 5.4.7 Auditors must declare any current or past interest in Certifiers or Approved Bodies.
- 5.4.8 Audits will normally be undertaken at the member's offices by two auditors. They will:
- 1) consider the previous certification work including records (the Certifier's log book of certificates issued, copies of certificates and check lists retained by the Certifier, notes on the procedures used, and evidence of support provided by the Body to the Certifier), and any complaints together with any responses to complaints;
  - 2) consider the original declaration of expertise and experience by Certifiers and compare with a random sample of certificates;
  - 3) report on the audit to the Scottish Registration Board.
- 5.4.9 The Scottish Registration Board will review the auditors' report and make a recommendation to the SER Board. The possible recommendations are:
- 1) Successful audit; Certifier should remain on Register for remainder of 5 year period; Body should remain on Register for remainder of 5 year period or until subsequent audit failure if sooner.
  - 2) Unsuccessful audit, specify remedial action, audit again within 6 months.
  - 3) Unsuccessful audit, terminate membership.

## **Scheme for Certification of Design (Building Structures)**

### **5.5 Auditing of SER**

- 5.5.1 The management of the Scheme by SER, including membership assessment, auditing, and approval processes is subject to annual audit by the SBSA on behalf of the Scottish Ministers.

## Scheme for Certification of Design (Building Structures)

### 6 Further Information

#### 6.1 The Scottish Building Standards Agency Certification Register

6.1.1 The SBSA Certification Register is the only authoritative list of Approved Certifiers, Approved Bodies, schemes and scheme providers. The Register is maintained and kept up to date by SBSA. The Register is available for inspection at: [www.sbsa.gov.uk](http://www.sbsa.gov.uk)

#### 6.2 Structural Engineers Registration Ltd (SER)

6.2.1 The SER website provides further information at [www.ser-ltd.com](http://www.ser-ltd.com)

6.2.2 Enquiries about the Scheme may be answered at the SER website. Otherwise enquiries should be addressed to:

Head of Certification  
Structural Engineers Registration Ltd  
11 Upper Belgrave Street  
London  
SW1X 8BH

[admin@ser-ltd.com](mailto:admin@ser-ltd.com)

Tel: 020 7235 4535

Fax: 020 7235 4294

## **Scheme for Certification of Design (Building Structures)**

### **APPENDIX A**

#### **Complaints and Appeals Procedures**

##### **1 Introduction**

This document sets out the procedures that will be followed by Structural Engineers Registration Ltd when it receives a complaint about the conduct of any Approved Certifier or Approved Body who are members the Scheme for Certification of Design (Building Structures) (the Scheme) in connection with their activities with regard to the certification of design under the Building (Scotland) Act 2003 and the Building (Scotland) (Procedures) Regulations 2004. It also covers the procedures for making an appeal against a decision relating to membership of the Scheme.

##### **2 Submitting a complaint**

Anyone wishing to make a complaint against any Approved Certifier or Approved Body who are members of the Scheme should do so in writing, detailing the substance of their complaint, to the Head of Certification, Structural Engineers Registration Ltd, 11 Upper Belgrave Street, London, SW1X 8BH.

##### **3 Submitting an appeal against a decision relating to membership of the Scheme**

Any appeal against a decision relating to membership of the Scheme must be lodged with the Head of Certification, Structural Engineers registration Ltd, 11 Upper Belgrave Street, London SW1X 8BH, in writing, within 10 working days of the notification of that decision.

##### **4 Conduct Panel**

###### **4.1 Responsibilities**

The Conduct Panel is responsible for deciding whether a complaint

- merits consideration by the Disciplinary Panel
- may be resolved by requiring specific work or other action (except fines)
- should be rejected

###### **4.2 Constitution**

The Panel will consist of:

- The Head of Certification (or a named deputy)
- A member of the Board of Directors of Structural Engineers Registration Ltd, who is not an employee of either the Institution of Structural Engineers or the Institution of Civil Engineers

## Scheme for Certification of Design (Building Structures)

### 4.3 Powers

The Panel may reject a complaint on the grounds that:

- it does not directly concern certification of design under the Building (Scotland) Act 2003
- it is outside the scope of the Scheme

The Panel must refer to the Disciplinary Panel any complaint alleging:

- a breach of section 11(4) of the Building (Scotland) Act 2003
- that an Approved Certifier of Design has not acted in accordance with other rules, limitations, or conditions of the Scheme

If the complaint appears to concern a simple mistake, the Panel may recommend that the complaint would merit a hearing by the Disciplinary Panel if the subject of the complaint does not satisfactorily complete certain work within a specified time.

### 4.4 Procedures

Within 3 working days of receipt of a complaint, the Head of Certification (or a named deputy) will:

- Acknowledge receipt of the complaint to the complainant, in writing.
- Appoint a Conduct Panel to consider the complaint.
- Notify the Approved Certifier or Approved Body that is the subject of a complaint, in writing, and request them to submit a written response within 15 working days

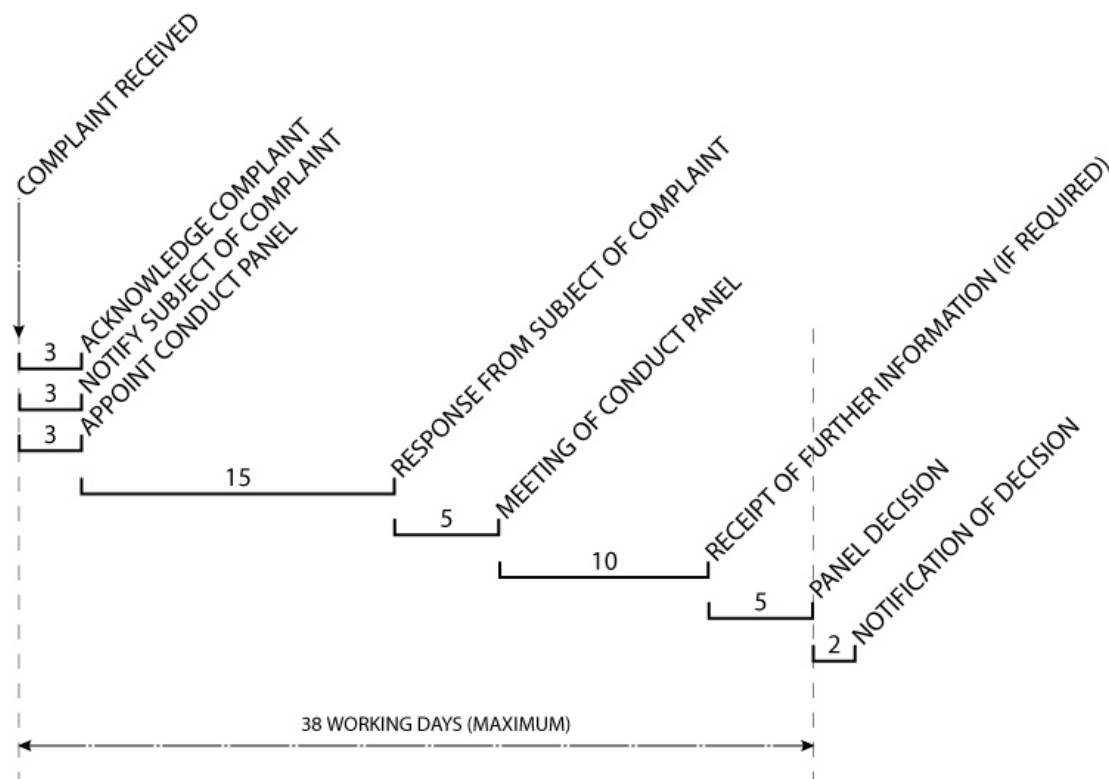


Figure 1 - Conduct Panel procedures

## **Scheme for Certification of Design (Building Structures)**

The Panel may conduct its business in what ever manner (including physical meetings, telephone conversations and exchange of both hard copy or electronic correspondence) it deems appropriate in the particular circumstances.

The Panel will convene within 5 working days of receipt of the response to the complaint from the subject of the complaint. If, in order to make a decision, the Panel concludes that it requires further information from either the complainant or the subject of the complaint, it may do so requesting a response within 10 working days. The Panel will then reconvene, to reach its decision, within 5 working days of receipt of the further information.

Within 2 working days of the decision of the Panel:

- The complainant and the subject of the complaint will be informed, in writing, of the decision
- The SBSA will be informed, in writing, if the complaint is to be heard by the Disciplinary Panel
- The relevant Local Authority will be informed, in writing, if the complaint alleges that an Approved Certifier has acted in breach of section 11(4) of the Building (Scotland) Act 2003

Any appeal against the decision of the Panel must be lodged with the Head of Certification, in writing, within 10 working days of the notification of that decision (see Section 6 below).

## **5 Disciplinary Panel**

### **5.1 Responsibilities**

The Disciplinary Panel is responsible for hearing and determining any complaint concerning a member of the Scheme that alleges a breach of section 11(4) of the Building (Scotland) Act 2003 or any other complaint that the Conduct Panel considers merits a hearing.

### **5.2 Constitution**

The Panel will consist of:

- Two members of the Institution of Structural Engineers (IStructE) nominated by the President of the IStructE
- Two members of the Institution of Civil Engineers (ICE) nominated by the President of the ICE
- A member of the Board of Directors of Structural Engineers Registration Ltd, who is not an employee of either the Institution of Structural Engineers or the Institution of Civil Engineers

Only one member of the Panel may be a member of the Conduct Panel that considered the complaint. At least three members of the Panel must not be directly involved in the assessment, approval, or auditing of members of the Scheme.

The Panel may choose to have a legal adviser in attendance at its meetings.

## Scheme for Certification of Design (Building Structures)

### 5.3 Powers

The Panel must always terminate membership of the Scheme if it considers that an Approved Certifier has acted in breach of section 11(4) of the Building Scotland Act 2003.

The Panel may recommend sanctions if an Approved Certifier or Approved Body has not acted within other rules, limitations, or conditions of the Scheme. Sanctions may include:

- Termination
- Reprimand with an extraordinary audit within six months
- Reprimand

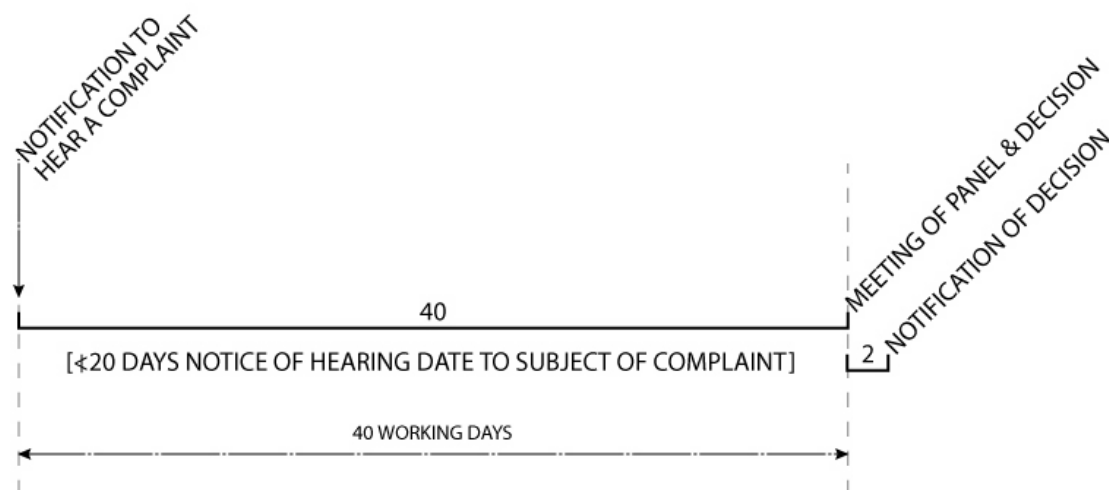
but not fines.

Decisions of the Panel are, subject to appeal, binding on the subject of the complaint.

### 5.4 Procedures

The Panel will normally convene a hearing within 40 working days of notification that it is to hear a complaint.

A minimum of 20 working days notice of the proposed date of the hearing will be given to the subject of the complaint. They will normally be required to attend for interview by the Panel in person and may choose to be accompanied by their legal adviser. Membership of the Scheme may be terminated by the Panel where the subject of the complaint fails to attend without valid reason.



**Figure 2 - Disciplinary Panel procedures**

The decision of the Disciplinary Panel will be notified to:

- The complainant
- The subject of the complaint
- SBSA,

in writing, within 2 working days of the meeting.

Any appeal against the decision of the Panel must be lodged with the Head of Certification, in writing, within 10 working days of the notification of that decision (see Section 6 below).

## **Scheme for Certification of Design (Building Structures)**

### **6 Appeals Panel**

#### **6.1 Responsibilities**

The Appeals Panel is responsible for determining any appeal against a decision of the Conduct Panel or the Disciplinary Panel or any decision regarding membership of the Scheme.

#### **6.2 Constitution**

The Panel will be chaired by a person independent of Structural Engineers Registration Ltd, IStructE and ICE, appointed by the Scottish Building Standards Agency (SBSA). The Chairman will then nominate two other persons to sit on the Panel in a personal capacity.

No member of the Panel may have an interest in Structural Engineers Registration Ltd, IStructE, ICE, the complainant or the subject of the complaint. No member of the Panel may have been a member of either the Conduct Panel or the Disciplinary Panel which previously considered the complaint.

The Panel may choose to have a legal adviser in attendance at its meetings.

#### **6.3 Powers**

The only grounds for an appeal against the decision of the Conduct Panel or the Disciplinary Panel are that the Panel was not properly constituted or conducted.

In the case of appeals against a decision on membership taken following assessment of an application for membership or renewal of membership, or following audit, the appeal may be rejected if the complainant:

- Does not attend an interview with the Panel in person, if requested to do so
- Fails to demonstrate that the assessment or audit was not properly conducted or the rules, limitations, or conditions of the Scheme were not correctly applied

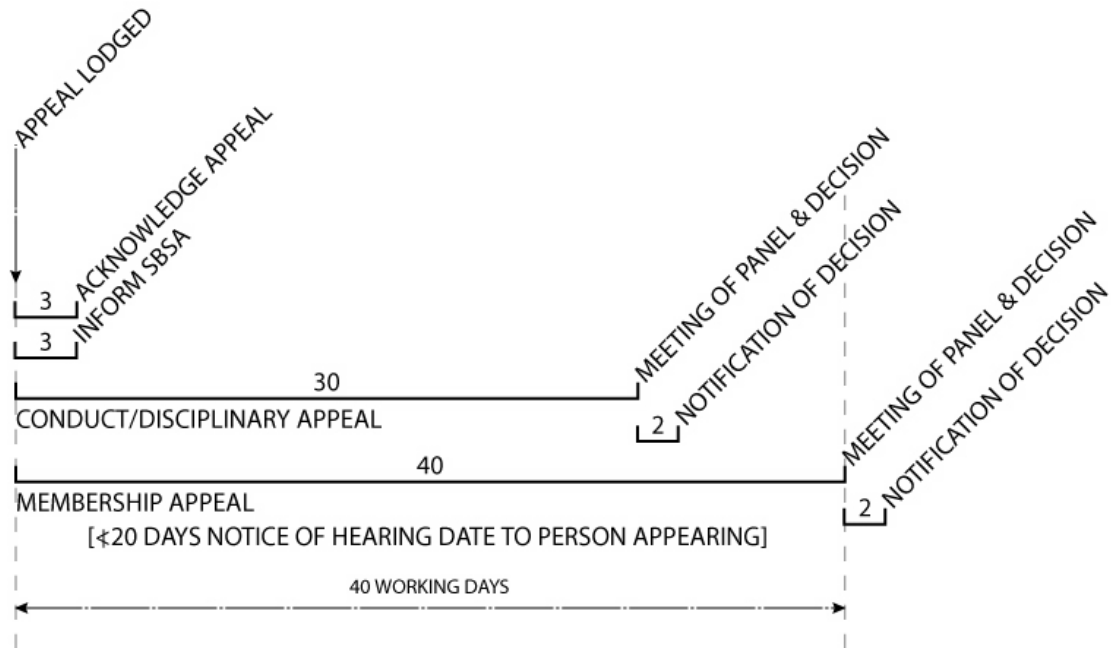
#### **6.4 Procedures**

Acknowledgement of receipt of notification of an appeal being lodged will be made within 3 working days of receipt. SBSA will be informed at the same time.

In the cases of appeals against decisions of the Conduct or Disciplinary Panels, the Panel will normally convene within 30 working days of the receipt of the notification of the appeal.

In the case of appeals against decisions on membership, the Panel will normally convene within 40 working days of the receipt of the notification of the appeal. A minimum of 20 working days notice of the proposed date of the meeting will be given to the person lodging the appeal. They will normally be required to attend for interview by the Panel in person and may choose to be accompanied by their legal adviser.

## Scheme for Certification of Design (Building Structures)



**Figure 3 – Appeals Panel procedures**

The Decision of the Panel will be notified to the person who lodged the appeal and SBSA and, if appropriate, the original complainant, within 2 working days of the meeting.

Head of Certification  
Structural Engineers Registration Ltd