



# Building Act 1984

## 1984 CHAPTER 55

### [<sup>F1</sup>PART 2A

#### REGULATION OF BUILDING CONTROL PROFESSION

#### *[<sup>F1</sup>Registered building inspectors*

##### Textual Amendments

- F1** Pt. 2A inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 for specified purposes except in relation to W, 1.1.2024 for W. for specified purposes, 1.1.2024 for specified purposes, 6.4.2024 in force in so far as not already in force except in relation to W., 6.4.2024 for the insertion s. 58Z2, 6.4.2024 for W. for all remaining purposes, except so far as it relates to ss. 58Z7, 58Z10) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 42, 170\(4\)](#); [S.I. 2023/362, reg. 3\(1\)\(s\)](#); [S.I. 2023/914, regs. 2\(b\)\(viii\), 4\(a\)\(b\)](#) (with [reg. 7](#)); [S.I. 2023/993, reg. 2\(k\)](#); [S.I. 2024/104, reg. 2\(a\)](#) (with [reg. 3](#)); [S.I. 2024/207, reg. 2\(b\)\(d\)\(ii\)](#) (with [regs. 3, 4, 8-12](#))

#### **58B** “Registered building inspector”

In this Act “registered building inspector” means an individual registered as a building inspector in accordance with this Part.

#### **58C** Register of building inspectors

- (1) The regulatory authority must establish and maintain a register of building inspectors.
- (2) The register may provide for different classes of building inspectors (for example, according to qualifications or experience).
- (3) The regulatory authority must register an individual as a building inspector, or a building inspector of a particular class, if—
  - (a) the individual makes an application for registration in accordance with [section 58D](#), and

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- (b) the authority is satisfied that the individual meets such criteria as the authority may from time to time determine.
- (4) Registration may—
- (a) have effect in relation to all work or in relation to work of a particular description;
  - (b) be subject to conditions.
- (5) Registration must be for a prescribed period.
- (6) The register must record, in relation to each registered building inspector—
- (a) the individual's name and business address;
  - (b) if the individual is employed by a building control authority or a registered building control approver, the name and business address of that person;
  - (c) whether the individual's registration has effect in relation to all work or work of a particular description;
  - (d) if the individual's registration has effect in relation to work of a particular description, that description of work;
  - (e) any conditions to which the individual's registration is subject;
  - (f) the period for which the individual is registered;
  - (g) if the individual's registration has been varied by an order under [section 58I\(2\)\(b\)](#), that fact and the effect of the variation;
  - (h) if the individual's registration has been suspended by an order under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#), that fact and the period of the suspension;
  - (i) any matters that are prescribed.
- (7) The regulatory authority must make the register available for inspection by the public in whatever way the authority thinks appropriate.

#### **58D Application for registration as building inspector**

- (1) An application for registration as a building inspector must—
- (a) be made in such form and manner, and
  - (b) be accompanied by such information and supporting evidence, as the regulatory authority may from time to time determine.
- (2) The regulatory authority may make different provision about those matters for different cases.
- (3) When considering an application for registration, the regulatory authority may require the applicant to provide it with such further information or supporting evidence as the authority may require.
- (4) The applicant may appeal to the appropriate court or tribunal against any decision made by the regulatory authority on the application.

#### **58E Variation or cancellation of registration as building inspector**

- (1) A registered building inspector may apply for the variation or cancellation of their registration.
- (2) Section [58D](#) applies to such an application as it applies to an application for registration.

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#### **58F Code of conduct**

- (1) The regulatory authority must prepare and publish a code of conduct for registered building inspectors.
- (2) The code must set out standards of professional conduct and practice expected of registered building inspectors.
- (3) The code may make different provision for different cases (for example, for different descriptions of work).
- (4) The regulatory authority may revise the code of conduct at any time (and must publish any revised code).

#### **58G Registered building inspectors: information notices**

- (1) The regulatory authority may by notice in writing require a registered building inspector to provide the authority with any documents or information the authority reasonably requires for the purposes its functions under sections [58B](#) to [58M](#).
- (2) The notice must specify—
  - (a) the documents or information required,
  - (b) the date by which they must be provided, and
  - (c) the form in which they must be provided.

#### **58H Professional misconduct investigations**

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a registered building inspector may be guilty of professional misconduct, the authority may investigate the matter.
- (2) In this Part “professional misconduct”, in relation to a registered building inspector, means conduct that—
  - (a) falls short of the standards of conduct and practice expected of registered building inspectors, or
  - (b) is likely to bring the profession of registered building inspectors into disrepute.
- (3) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating a registered building inspector under this section (which must include an opportunity for the inspector to make representations).
- (4) The regulatory authority may revise the statement at any time (and must publish any revised statement).

#### **58I Sanctions for professional misconduct**

- (1) If following an investigation under [section 58H](#) the regulatory authority determines that an individual who is a registered building inspector is guilty of professional misconduct, the authority may make one or more disciplinary orders.
- (2) A disciplinary order is an order—
  - (a) requiring the individual to pay a financial penalty of an amount specified in the order,

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- (b) varying the individual's registration in a way specified in the order,
  - (c) suspending the individual's registration for a period specified in the order, or
  - (d) cancelling the individual's registration from a date specified in the order.
- (3) Varying the individual's registration means varying any of the matters listed in [section 58C\(4\)](#) (limitations and conditions).
- (4) Where the regulatory authority makes a disciplinary order it must give a copy of the order to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against a disciplinary order under this section.
- (6) A disciplinary order under [subsection \(2\)\(a\)](#) or [\(b\)](#) has no effect until—
- (a) the end of the period within which an appeal may be brought, or
  - (b) if an appeal is brought before the end of that period, the determination of the appeal.
- (7) Where the regulatory authority is the regulator, it must pay into the Consolidated Fund the amount of any financial penalty paid to it pursuant to a disciplinary order under [subsection \(2\)\(a\)](#).

#### **58J Interim suspension for suspected serious professional misconduct**

- (1) This section applies where the regulatory authority considers that—
- (a) an individual who is a registered building inspector may be guilty of professional misconduct, and
  - (b) the suspected misconduct is so serious that, if the authority determines that the individual is guilty, it is likely to make an order under [section 58I\(2\)\(d\)](#) cancelling the individual's registration.
- (2) The regulatory authority may by order suspend the individual's registration for a period specified in the order (which must not exceed 3 months).
- (3) The regulatory authority may revoke the order before the end of that period.
- (4) Where the regulatory authority makes (or revokes) an order under this section it must give a copy of the order (or notice of the revocation) to the individual concerned as soon as reasonably practicable.
- (5) The individual may appeal to the appropriate court or tribunal against an order under this section.

#### **58K Suspension orders: further provision**

An individual whose registration is suspended under [section 58I\(2\)\(c\)](#) or [58J\(2\)](#) is not a registered building inspector for the purposes of [section 46A](#) or [54B](#) (restricted activities and functions) (but is a registered building inspector for the purposes of this Part).

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## **58L Offences relating to registration**

- (1) A registered building inspector commits an offence if, without reasonable excuse, they carry out a restricted activity on behalf of a building control authority or a registered building control approver—
  - (a) in relation to work which is outside the scope of their registration, or
  - (b) while their registration is suspended.
- (2) “Restricted activity”—
  - (a) in relation to a building control authority, has the meaning given by section 46A;
  - (b) in relation to a registered building control approver, has the meaning given by section 54B.
- (3) A registered building inspector commits an offence if, without reasonable excuse—
  - (a) they give advice to a building control authority or registered building control approver—
    - (i) in relation to work which is outside the scope of their registration, or
    - (ii) while their registration is suspended, and
  - (b) they know, or ought to know, that the authority or approver is obtaining that advice for the purposes of section 46A or 54B (restricted functions).
- (4) A registered building inspector commits an offence if, with intent to deceive, they do anything which implies that work which is outside the scope of their registration is within the scope of their registration.
- (5) A registered building inspector whose registration is suspended commits an offence if, with intent to deceive, they do anything which implies that their registration is not suspended.
- (6) For the purposes of this section, work is outside the scope of a registered building inspector’s registration if the inspector’s registration does not have effect in relation to work of that description.
- (7) An offence under this section is punishable on summary conviction by a fine.

## **58M Offence of acting as, or pretending to be, a registered building inspector**

- (1) A person who is not a registered building inspector commits an offence if, with intent to deceive, the person—
  - (a) impersonates a registered building inspector, or
  - (b) does anything (including using any name, title or description) which implies that the person is a registered building inspector.
- (2) An offence under this section is punishable on summary conviction by a fine.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A)(d) inserted by [2015 c. 7 s. 37\(2\)](#)
- s. 44(11) inserted by [2004 c. 22 s. 3\(8\)](#)
- s. 79A inserted by [2023 asc 3 Sch. 13 para. 65](#)
- s. 95(5) inserted by [2022 c. 30 s. 60\(2\)](#)
- s. 131A inserted by [2022 c. 30 s. 59](#)
- s. 131B inserted by [2022 c. 30 s. 60\(3\)](#)
- Sch. 1 para. 7A inserted by [2015 c. 7 s. 37\(4\)](#)
- Sch. 1 para. 7A(4) words substituted by [2022 c. 30 Sch. 5 para. 83\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of Sch. 1 para. 7A by [2015 c. 7, s. 37\(4\)](#) is still prospective.)