



Building Act 1984

1984 CHAPTER 55

PART IV

GENERAL

Documents

92 Form of documents.

- (1) All—
- (a) notices, orders, consents, demands and other documents authorised or required by or under this Act to be given, made or issued by a local authority, and
 - (b) notices and applications authorised or required by or under this Act to be given or made to, or to any officer of, a local authority,
- shall be in writing.
- (2) The Secretary of State may, by regulations made by statutory instrument, prescribe the form of any notice, advertisement, certificate or other document to be used for any of the purposes of this Act, and if forms are so prescribed those forms or forms to the like effect may be used in all cases to which those forms are applicable.

93 Authentication of documents.

- (1) A notice, order, consent, demand or other document that a local authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority—
- (a) by the proper officer of the authority or the district surveyor, as respects documents relating to matters within his province, or
 - (b) by an officer of the authority authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.
- (2) A document purporting to bear the signature of an officer—

Status: Point in time view as at 01/10/2010.

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- (a) expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or
- (b) expressed to be authorised by the local authority to sign such a document or the particular document,

is deemed, for the purposes of this Act and of any building regulations and orders made under it, to have been duly given, made or issued by authority of the local authority, until the contrary is proved.

- (3) In subsection (2) above, “signature” includes a facsimile of a signature by whatever process reproduced.

94 Service of documents.

A notice, order, consent, demand or other document that is authorised or required by or under this Act to be given to or served on a person may, in any case for which no other provision is made by this Act, be given or served either—

- (a) by delivering it to that person,
- (b) in the case of an officer of a local authority, by leaving it, or sending it in a prepaid letter addressed to him, at his office,
- (c) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence,
- (d) in the case of an incorporated company or body, by delivering it to their secretary or clerk at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office,
- (e) in the case of a document to be given to or served on a person as being the owner of any premises by virtue of the fact that he receives the rackrent thereof as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business,
- (f) in the case of a document to be given to or served on the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

[F¹94A. Electronic service of documents

- (1) This section applies where—
 - (a) section 94 authorises the giving or serving of a document by its delivery to a particular person (“the recipient”), and
 - (b) the document is of a kind mentioned in subsection (7).
- (2) Transmission of the document to the recipient by means of an electronic communication has effect for the purposes of section 94 as delivery of the document to the recipient if, and only if, the conditions in subsection (3) are met.
- (3) The conditions are—

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- (a) that the recipient has stated a willingness to receive the document by means of an electronic communication,
 - (b) that the statement has not been withdrawn, and
 - (c) that the document was transmitted to an electronic address specified by the recipient.
- (4) A statement may be limited to documents of a specified description.
- (5) A statement may require a document to be in a specified electronic form.
- (6) A statement may be modified or withdrawn—
- (a) in a case where the statement was made by being published, by publishing the modification or withdrawal in the same or in a similar manner;
 - (b) in any other case, by giving a notice to the person to whom the statement was made.
- (7) The documents are—
- (a) a notice under section 16(6), 47, 50(7) or (8), 51A, 51C, 52, 54 or paragraph 1(1) or 2(5) or (6) of Schedule 4;
 - (b) a document containing plans or evidence which accompanies a notice under section 47(1), 51A(2) or 54(1);
 - (c) a certificate under section 50(1), 51(1) or paragraph 2(1) or 3(1) of Schedule 4;
 - (d) a combined notice and certificate under section 50(4) or paragraph 2(2) of Schedule 4.
- (8) In this section—
- “electronic address” includes any number or address used for the purposes of receiving electronic communications;
 - “electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000;
 - “specified” means specified in a statement made for the purposes of subsection (3)(a).]

Textual Amendments

- F1** S. 94A inserted (1.10.2008) by [Building \(Electronic Communications\) Order 2008 \(S.I. 2008/2334\)](#), arts. 1, 2

Modifications etc. (not altering text)

- C1** S. 94A modified by SI 2000/2531, reg. 22B (as inserted (1.10.2008) by [Building \(Electronic Communications\) Order 2008 \(S.I. 2008/2334\)](#), arts. 1, 3)
- C2** S. 94A modified by SI 2000/2532, reg. 31A (as inserted (1.10.2008) by [Building \(Electronic Communications\) Order 2008 \(S.I. 2008/2334\)](#), arts. 1, 4)
- C3** S. 94A modified (1.10.2010) by [The Building \(Approved Inspectors etc.\) Regulations 2010 \(S.I. 2010/2215\)](#), regs. 1, 32 (as amended (W.) (17.6.2016) by [The Building Regulations c. \(Amendment\) \(Wales\) Regulations 2016 \(S.I. 2016/611\)](#), regs. 1(4), 3(4)(b) (with reg. 1(3))
- C4** S. 94A modified (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), regs. 1, 48(1) (with reg. 9)

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