



# Building Act 1984

## 1984 CHAPTER 55

### PART IV

#### GENERAL

##### *General provisions about appeals and applications*

#### **103 Procedure on appeal or application to magistrates' court.**

- (1) Where this Act provides—
  - (a) for an appeal to a magistrates' court against a requirement, refusal or other decision of a local authority, or
  - (b) for a matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court,the procedure shall be by way of complaint for an order.
- (2) The time within which such an appeal may be brought is 21 days from the date on which notice of the local authority's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint is deemed to be the bringing of the appeal.
- (3) In a case where such an appeal lies, the document notifying to the person concerned the local authority's decision in the matter shall state the right of appeal to a magistrates' court and the time within such an appeal may be brought.

#### **104 Local authority to give effect to appeal.**

Where upon an appeal under this Act a court varies or reverses a decision of a local authority, it is the duty of the local authority to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

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*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: Building Act 1984, Cross Heading: General provisions about appeals and applications is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## **105 Judge not disqualified by liability to rates.**

A judge of a court or a justice of the peace is not disqualified from acting in cases arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, a rate or fund out of which expenses of a local authority are to be defrayed.

**Status:**

Point in time view as at 28/06/2022.

**Changes to legislation:**

Building Act 1984, Cross Heading: General provisions about appeals and applications is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.