

Status: Point in time view as at 06/04/2023.

Changes to legislation: Building Act 1984 is up to date with all changes known to be in force on or before 30 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)

SCHEDULES

SCHEDULE 1

Section 1(3).

BUILDING REGULATIONS

- 1 Building regulations may—
- (a) provide for particular requirements of the regulations to be deemed to be complied with where prescribed methods of construction, prescribed types of materials or other prescribed means are used in or in connection with buildings
 - (b) be framed to any extent by reference to a document published by or on behalf of the [^{F1}Secretary of State][^{F1}appropriate national authority] or another person or a body, or by reference to the approval or satisfaction of a prescribed person or body.

Textual Amendments

- F1** Words in Sch. 1 para. 1(b) substituted (28.6.2022 for E.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 83\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 47

[^{F2}Procedural requirements etc: general

Textual Amendments

- F2** [Sch. 1 paras. 1A-II](#) and cross-headings inserted (6.4.2023 for E. and for W. except for specified purposes, 5.9.2023 for W. in so far as not already in force) by [Building Safety Act 2022 \(c. 30\), ss. 33, 170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(n\)](#); S.I. 2023/914, [reg. 2\(b\)\(i\)](#)

- 1A (1) Building regulations may make provision about the procedure that may or must be followed in relation to any work.
- (2) The regulations may in particular make provision for and in connection with—
- (a) the giving of notices;
 - (b) the making of applications to building control authorities;
 - (c) the giving or receipt of certificates;
 - (d) requiring a prescribed person, in prescribed circumstances, to consult such other person as may be prescribed.
- (3) The regulations may—
- (a) confer on a building control authority a power to require a person to notify the authority of specified matters by the specified time;
 - (b) provide that in prescribed circumstances an application is treated as granted or is treated as refused;
 - (c) make provision about the effect of the grant of an application;

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- (d) make provision about the effect of certificates;
- (e) require a person consulted to give a substantive response to the consultation before the end of a prescribed period.

(4) In [sub-paragraph \(3\)\(a\)](#) “specified” means specified by the building control authority.

Applications for building control approval

1B (1) Building regulations may in particular make provision for and in connection with applications for building control approval (including approval of changes to anything that has already been approved).

(2) “Building control approval”—

- (a) in relation to any work, means the approval by the building control authority of—
 - (i) plans of the work, and
 - (ii) such other documents, relating to compliance with any provision of building regulations, as may be prescribed (or, in a case within [sub-paragraph \(5\)](#), as are provided to the authority);
- (b) in relation to a change to a relevant document, means the approval by the authority of the change.

(3) Building regulations may—

- (a) confer on building control authorities a power, with the consent of the applicant—
 - (i) to impose requirements (including in particular requirements of a kind mentioned in [sub-paragraph \(4\)](#)) when granting an application;
 - (ii) to vary requirements;
- (b) make provision about the cases in which an application for approval of a change must be made (including provision conferring on building control authorities a power to specify the circumstances in which such an application must be made).

(4) The requirements referred to in [sub-paragraph \(3\)\(a\)](#) are—

- (a) a requirement relating to the provision of a revised version of a specified relevant document;
- (b) a requirement that the work does not proceed beyond a specified stage unless a specified relevant document has been given to, and approved by, the building control authority.

(5) Building regulations may provide that in prescribed cases—

- (a) an application may be made to the authority for approval of the plans and such other relevant documents as the applicant considers appropriate, and
- (b) the authority may refuse the application if the applicant does not, on request, provide it with a specified relevant document.

(6) In this paragraph—

- (a) “relevant document” means—
 - (i) the plans mentioned in [sub-paragraph \(2\)\(a\)\(i\)](#), or
 - (ii) a document prescribed for the purposes of [sub-paragraph \(2\)\(a\)\(ii\)](#);
- (b) “specified” means specified by the building control authority;
- (c) a reference to a change to a document includes the replacement of it.

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Certificates: approved schemes

- 1C (1) Building regulations may in particular make provision for and in connection with certificates that are given—
- (a) by a member of a scheme that is approved,
 - (b) in accordance with the scheme, and
 - (c) in accordance with any prescribed requirement relating to the provision of insurance cover in respect of work to which the certificate relates.
- (2) Building regulations may make provision for and in connection with—
- (a) the approval of schemes by the appropriate national authority or a person designated by that authority;
 - (b) the suspension or withdrawal of approvals (including provision about appeals to the appropriate court or tribunal against the suspension or withdrawal of approvals).
- (3) The regulations may in particular provide that a scheme may be approved (and may remain approved) only if prescribed requirements relating to the provision of insurance cover are complied with.
- (4) The regulations may provide—
- (a) that an approval has effect for a particular period (including a period specified in the approval), or
 - (b) that an approval has effect until it is suspended or withdrawn.
- (5) The requirements relating to insurance cover that may be prescribed include in particular a requirement that insurance cover is provided through a scheme of insurance approved by the appropriate national authority or a person designated by that authority.

Obtaining, keeping and giving information and documents

- 1D (1) Building regulations may, in relation to any work, make provision about—
- (a) obtaining information or documents;
 - (b) creating documents;
 - (c) keeping information or documents;
 - (d) giving information or documents.
- (2) The regulations may in particular—
- (a) provide that information or documents must be given or kept in accordance with prescribed standards;
 - (b) impose requirements as regards keeping information or documents up to date;
 - (c) confer on building control authorities or other prescribed persons a power, in prescribed circumstances, to require a person to give information to them.
- (3) Where building regulations provide that any information or document must be given, they may make provision about the admissibility in any criminal proceedings of the information or document.

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Reporting requirements: duty to establish and operate system

- 1E (1) This paragraph applies where building regulations made by virtue of [paragraph 1D](#) require a person to give information—
- (a) in relation to work in England, to the regulator;
 - (b) in relation to work in Wales, to the building control authority.
- (2) For the purpose of facilitating and securing compliance with any such requirement, the regulations may—
- (a) require a prescribed person to establish and operate a system for the giving of prescribed information to such person as may be prescribed, and
 - (b) make provision about such systems.

Form and content of documents etc

- 1F (1) Where building regulations provide that any document must or may be given, they may make provision about—
- (a) the form and content of the document;
 - (b) the information and other documents that must accompany it;
 - (c) the way in which the document, and anything that is to accompany it, is to be given.
- (2) Where building regulations provide that any information must or may be given, they may make provision about the way in which it is to be given.
- (3) Building regulations may provide that any of the matters mentioned in paragraphs (a) to (c) of [sub-paragraph \(1\)](#), or in [sub-paragraph \(2\)](#), are to be specified in a direction made and published in accordance with the regulations.
- (4) Building regulations may provide that—
- (a) a prescribed application must be accompanied by such prescribed documents as the applicant considers appropriate, and
 - (b) the building control authority may refuse the application if the applicant does not, on request, provide it with a document of a kind prescribed for the purposes of [paragraph \(a\)](#) in relation to the application.

Inspection, testing etc

- 1G (1) Building regulations may make provision for and in connection with—
- (a) the inspection and testing of work;
 - (b) the inspection and testing of buildings;
 - (c) the inspection and testing of services, fittings and equipment provided in connection with buildings;
 - (d) the taking of samples.
- (2) The regulations may in particular—
- (a) prohibit the covering up of any work, for a prescribed period after a prescribed or specified event;
 - (b) provide for the cutting into or laying open of any work or building, or the pulling down of any work.
- (3) In [sub-paragraph \(2\)\(a\)](#) “specified” means specified by the building control authority.

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Applications to building control authorities: extension of period by agreement

- 1H Building regulations may provide that any prescribed period for the doing of a thing by a building control authority in connection with an application made to it may be extended by agreement between the authority and the applicant.

Appeals

- 1I (1) Building regulations may make provision for and in connection with appeals against decisions made under, or under an instrument made under, Part 1, 2 or 2A of this Act.
- (2) The regulations may confer, in respect of a prescribed decision—
- (a) in relation to England—
 - (i) a right to appeal to the regulator or the tribunal, and
 - (ii) in the case of an appeal to the regulator, a right of appeal to the tribunal against the decision of the regulator made on appeal;
 - (b) in relation to Wales—
 - (i) a right to appeal to the Welsh Ministers or a magistrates' court, and
 - (ii) in the case of an appeal to the Welsh Ministers, a right of appeal to a magistrates' court or a right of appeal to the High Court, against the decision of the Welsh Ministers made on appeal.
- (3) The provision that may be made in connection with appeals includes provision about a right of appeal conferred by Part 1, 2 or 2A.
- (4) The regulations may in particular make provision about—
- (a) the grounds upon which an appeal may be made;
 - (b) the period within which an appeal must be made;
 - (c) the way in which any appeal is to be made;
 - (d) the powers of the court, tribunal or other person determining the appeal (including provision conferring a power to give directions and, in the case of the regulator or Welsh Ministers, powers in respect of costs).
- (5) In respect of appeals to the regulator or the Welsh Ministers, the regulations may make provision about procedural matters (including provision conferring a discretion as to the procedure to be adopted).
- (6) In respect of appeals to the Welsh Ministers, the regulations may in particular make provision for and in connection with the Welsh Ministers appointing a person to determine the appeal (including provision conferring functions on that person and providing that their decision is treated as the decision of the Welsh Ministers).]
- 2 [F3]Building regulations may include provision as to—
- (a) the giving of notices,
 - (b) the deposit of plans of proposed work or work already executed (including provision as to the number of copies to be deposited),
 - (c) the retention by local authorities of copies of plans deposited with them in accordance with the regulations,
 - (d) the inspection and testing of work,
 - (e) the taking of samples.]

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Textual Amendments

F3 Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))

- 3 [F3 Building regulations may provide for requiring local authorities and approved inspectors in prescribed circumstances to consult a prescribed person before taking a prescribed step in connection with any work or other matter to which building regulations are applicable.]

Textual Amendments

F3 Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))

- 4 [F3 Building regulations may—
- (a) authorise local authorities to accept, as evidence that the requirements of building regulations as to matters of a prescribed description are or would be satisfied, certificates to that effect by persons of a class or description prescribed in relation to those matters or by a person nominated in writing by the Secretary of State in a particular case,
 - (b) provide for the issue by local authorities of certificates to the effect that, so far as the authority concerned have been able to ascertain after taking all reasonable steps in that behalf, the requirements of building regulations as to matters of a prescribed description are satisfied in a particular case, and for such certificates to be evidence (but not conclusive evidence) of compliance with the regulations,
 - (c) make provision—
 - (i) for prohibiting, in prescribed circumstances, the carrying out of proposed work of a prescribed class involving matters of a prescribed description unless there has been deposited with the prescribed authority as regards those matters a certificate such as is mentioned in sub-paragraph (a) above,
 - (ii) for enabling, in cases where such a certificate is required by virtue of paragraph (i) above, a dispute as to whether a certificate ought to be issued to be referred to the Secretary of State,
 - (iii) for enabling the Secretary of State, on such a reference, to give such directions as he thinks fit.]

Textual Amendments

F3 Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))

- [F4 4A F3 (1) Building regulations may—
- (a) provide for requiring that, in prescribed circumstances, a person of a prescribed class or description is to give to a local authority or an approved

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- inspector a certificate to the effect that the requirements of building regulations as to matters of a prescribed description are satisfied;
- (b) provide for requiring that such certificates be given within such periods or at such times and in such forms as may be prescribed;
 - (c) provide that a local authority or an approved inspector is not to exercise or perform a prescribed power or duty unless—
 - (i) such a certificate has been given to them or him; or
 - (ii) such a certificate has been given to them or him and the certificate has been accepted by them or him;
 - (d) make provision as to—
 - (i) the acceptance of such certificates by local authorities and approved inspectors; and
 - (ii) other steps to be taken by local authorities or approved inspectors in connection with such certificates.
- (2) Building regulations may provide for such certificates to be treated as evidence (but not conclusive evidence) of the matters certified.]]

Textual Amendments

- F3** Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))
- F4** Sch. 1 para. 4A inserted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), **ss. 8(1), 11(3)**; S.I. 2006/224, art. 2(c)

- [^{F5}4]^{F3}(1) Building regulations may provide that in relation to any work of any type that is being, or that is proposed to be, carried out in prescribed circumstances, there shall be a person appointed for the purposes of this paragraph (the “appointed person”).
- (2) The appointed person in relation to any work shall be a person of a prescribed class or description who is appointed by a person determined in accordance with building regulations; and such regulations may make provision for a person to appoint himself.
- (3) Building regulations may—
- (a) require appointments for the purposes of this paragraph to be made within such periods or at such times as may be prescribed;
 - (b) make provision in relation to—
 - (i) the termination of a person’s appointment;
 - (ii) the replacement of an appointed person.
- (4) Building regulations may—
- (a) provide that the appointed person in relation to any work shall have such duties in relation to the planning and management of the carrying out of that work as may be prescribed for purposes connected with facilitating compliance with the requirements of building regulations in relation to that work;
 - (b) for those purposes impose duties in relation to—
 - (i) the appointed person, or
 - (ii) anything that he does, or proposes to do, in connection with his duties,

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on persons who are participating, or who are to participate, in the carrying out of that work.

- (5) The duties that building regulations may impose on persons who are participating, or who are to participate, in the carrying out of any work include—
- (a) duties to comply with directions given to them by the appointed person;
 - (b) duties that are framed by reference to determinations made by that person.]]

Textual Amendments

- F3** Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))
- F5** Sch. 1 para. 4B inserted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), **ss. 9, 11(3)**; S.I. 2006/224, art. 2(d)

- 5 [F3(1) Building regulations may authorise local authorities to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations.
- (2) The Secretary of State may by order repeal this paragraph.]

Textual Amendments

- F3** Sch. 1 paras. 2-5 omitted (28.6.2022 for E. so far as it relates to the omission of Sch. 1 para. 5) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 83(3)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))

[F6 Appointed persons

Textual Amendments

- F6** Sch. 1 paras. 5A, 5B and cross-headings inserted (6.4.2023 except in relation to W., 5.9.2023 for W.) by Building Safety Act 2022 (c. 30), **ss. 34, 170(4)(b)(c)**; S.I. 2023/362, **reg. 3(1)(n)**; S.I. 2023/914, **reg. 2(b)(ii)**

- 5A (1) Building regulations may require prescribed appointments to be made in relation to any work.
- (2) Building regulations may make provision about appointments, including provision about—
- (a) the persons who are to make appointments;
 - (b) the persons who may be appointed;
 - (c) the time by which appointments must be made;
 - (d) the period for which persons are to be appointed;
 - (e) the termination of appointments;
 - (f) the replacement of appointed persons.
- (3) The regulations may provide that in prescribed circumstances an appointment is treated as made.

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- (4) In this Schedule “appointed person”, in relation to any work, means a person appointed in relation to that work under building regulations made by virtue of this paragraph.

General duties

- 5B (1) Building regulations may, for the purpose of facilitating compliance with any requirement of building regulations in relation to any work to which building regulations are applicable—
- (a) impose duties on relevant persons in connection with the planning or management of the work;
 - (b) require relevant persons to co-operate with other relevant persons.
- (2) The following are “relevant persons” for this purpose—
- (a) any appointed person;
 - (b) any prescribed person.]

[^{F7}Competence requirements

Textual Amendments

F7 Sch. 1 para. 5C and cross-heading inserted (6.4.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 35, 170\(4\)\(b\)\(c\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(n\)](#)

- 5C (1) Building regulations may, in relation to any work, impose competence requirements on—
- (a) any appointed person, or
 - (b) any prescribed person.
- (2) A “competence requirement” is a requirement relating to—
- (a) the skills, knowledge, experience and behaviours of an individual;
 - (b) the capability of a person other than an individual to perform its functions under building regulations.
- (3) The regulations may require an appointed person who is not an individual to give an individual acting under its control who has the appropriate skills, knowledge, experience and behaviours the task of managing its functions as an appointed person.]
- 6 Building regulations may make a prescribed person or class of persons responsible (instead of local authorities) for performing prescribed functions of local authorities under or in connection with building regulations, and for that purpose may provide for a prescribed enactment relating to building regulations and a prescribed provision of such regulations to apply (with any prescribed modifications) in relation to a prescribed person or a person of a prescribed class as that enactment or provision applies in relation to a local authority.
- 7 Without prejudice to the generality of section 1(1) of this Act, building regulations may—
- (a) for any of the purposes mentioned in section 1(1) of this Act, make provision with respect to any of the following matters—
 - (i) preparation of sites,

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- (ii) suitability, durability^[F8], use and re-use] of materials and components (including surface finishes),
- (iii) structural strength and stability, including—
 - (a) precautions against overloading, impact and explosion,
 - (b) measures to safeguard adjacent buildings and services,
 - (c) underpinning,
- (iv) fire precautions, including—
 - (a) structural measures to resist the outbreak and spread of fire and to mitigate its effects,
 - (b) services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire-fighting,
 - (c) means of escape in case of fire and means for securing that such means of escape can be safely and effectively used at all material times,
- (v) resistance to moisture and decay,
- (vi) measures affecting the transmission of heat,
- (vii) measures affecting the transmission of sound,
- (viii) measures to prevent infestation,
- (ix) measures affecting the emission of smoke, gases, ^[F9]vapours,] fumes, grit or dust or other noxious or offensive substances,
- (x) drainage (including waste disposal units),
- (xi) cesspools and other means for the reception, treatment or disposal of foul matter,
- (xii) storage, treatment and removal of waste,
- (xiii) installations utilising solid fuel, oil, gas, electricity or any other fuel or power (including appliances, storage tanks, heat exchangers, ducts, fans and other equipment),
- (xiv) water services (including wells and bore-holes for the supply of water) and fittings and fixed equipment associated therewith ^[F10](including equipment for monitoring and measuring supplies of water)],
- (xv) telecommunications services (including telephones and radio and television wiring installations),
- (xvi) lifts, escalators, hoists, conveyors and moving footways,
- (xvii) plant providing air under pressure,
- (xviii) standards of heating, artificial lighting, mechanical ventilation and air-conditioning and provision of power outlets,
- (xix) open space about buildings and the natural lighting and ventilation of buildings,
- (xx) accommodation for specific purposes in or in connection with buildings, and the dimensions of rooms and other spaces within buildings,
- (xxi) means of access to and egress from buildings and parts of buildings
- (xxii) prevention of danger and obstruction to persons in and about buildings (including passers-by),
- ^[F11](xxiia) measures relating to the security of buildings,
- (xxiib) measures affecting the use of fuel or power,

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- (xxiic) equipment for monitoring and measuring supplies of fuel, power or heat,
- (xxiid) recycling facilities (including facilities for composting),]
- [^{F12}(xxiie) the production of heat or the generation of electricity by microgeneration (as defined for the purposes of this paragraph by building regulations),]
- (xxiii) matters connected with or ancillary to any of the foregoing matters,
- (b) require things to be provided or done in connection with buildings (as well as regulating the provision or doing of things in connection with buildings),
- (c) prescribe the manner in which work is to be carried out.

Textual Amendments

- F8** Words in Sch. 1 para. 7(a)(ii) substituted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(2\)](#), 11(4)
- F9** Word in Sch. 1 para. 7(a)(ix) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(3\)](#), 11(4)
- F10** Words in Sch. 1 para. 7(a)(xiv) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(4\)](#), 11(4)
- F11** Sch. 1 para. 7(xxiiia)-(xxiid) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(5\)](#), 11(4)
- F12** Sch. 1 para. 7(a)(xxiie) inserted (21.8.2006) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), [ss. 11](#), 28(1)

- 8 (1) Building regulations may be made with respect to—
- (a) alterations and extensions of buildings and of services, fittings and equipment in or in connection with buildings,
 - (b) new services, fittings or equipment provided in or in connection with buildings,
 - (c) buildings and services, fittings and equipment in or in connection with buildings, so far as affected by—
 - (i) alterations or extensions of buildings, or
 - (ii) new, altered or extended services, fittings or equipment in or in connection with buildings,
 - (d) the whole of a building, together with any services, fittings or equipment provided in or in connection with it, in respect of which there are or are proposed to be carried out any operations that by virtue of section 123(1) of this Act constitute the construction of a building for the purposes of this paragraph,
 - (e) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases where the purposes for which or the manner or circumstances in which a building or part of a building is used change or changes in a way that constitutes a material change of use of the building or part within the meaning of the expression “material change of use” as defined for the purposes of this paragraph by building regulations.
 - [^{F13}(f) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases where the persons in occupation of a building or part of a building change in prescribed circumstances.]

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- [^{F14}(2) Subject to sub-paragraphs (3) to (6) below and to sections 2(2) and 2A of this Act, building regulations shall not apply to or in connection with buildings erected before the date on which the regulations come into force.
- (3) The following building regulations may be made to apply to or in connection with buildings erected before the date on which the regulations come into force—
- (a) regulations falling within sub-paragraph (1)(a) to (e) above;
 - (b) regulations made with respect to the demolition of buildings;
 - (c) regulations made with respect to the use of materials or components (including surface finishes) that (in whole or in part) have been produced from, or incorporate, recycled items;
 - (d) regulations made with respect to the re-use of materials or components (including surface finishes);
 - (e) regulations falling within sub-paragraph (4) below.
- (4) Building regulations fall within this sub-paragraph if—
- (a) in accordance with sub-paragraph (1)(f) above, they are framed by reference to a change in the occupants of a building (or part); and
 - (b) they are—
 - (i) made for the purpose mentioned in section 1(1)(b) of this Act; or
 - (ii) made (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- (5) The provision that may be made by building regulations includes provision imposing on a person carrying out work of any type in relation to a building (whenever erected), or in relation to any service, fitting or equipment provided in or in connection with a building (whenever erected)—
- (a) a requirement to do things for the purpose mentioned in section 1(1)(b) of this Act; or
 - (b) a requirement to do things (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- [^{F15}(5A) The provision that may be made by building regulations includes provision imposing on a person carrying out work of any type in relation to a building (whenever erected), or in relation to any service, fitting or equipment provided in or in connection with a building (whenever erected), a requirement to do things for the purpose mentioned in section 1(1)(a) of this Act in so far as it relates to the resistance or resilience of buildings in respect of flooding.]
- (6) The things whose doing may be required by virtue of sub-paragraph (5) [^{F16}or (5A)] above are—
- (a) things to be done in relation to the work in question;
 - (b) any other things but only if they are to be done in relation to—
 - (i) the building in question; or
 - (ii) any service, fitting or equipment provided in or in connection with that building.]

Status: Point in time view as at 06/04/2023.

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Textual Amendments

- F13** Sch. 1 para. 8(1)(f) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), **ss. 3(6), 11(4)**
- F14** Sch. 1 para. 8(2)-(6) substituted for Sch. 1 para. 8(2) (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), **ss. 3(7), 11(4)**
- F15** Sch. 1 para. 8(5A) inserted (1.10.2010) by [Flood and Water Management Act 2010 \(c. 29\)](#), **ss. 40(1), 49(3)** (with s. 49(1)(6)); S.I. 2010/2169, art. 4, Sch.
- F16** Words in Sch. 1 para. 8(6) inserted (1.10.2010) by [Flood and Water Management Act 2010 \(c. 29\)](#), **ss. 40(2), 49(3)** (with s. 49(1)(6)); S.I. 2010/2169, art. 4, Sch.

- 9 [F17 Building regulations may authorise local authorities, subject to and in accordance with the regulations, to fix by means of schemes and to recover such charges for or in connection with the performance of functions of theirs relating to building regulations as they may determine in accordance with principles prescribed by the regulations.]

Textual Amendments

- F17** Sch. 1 para. 9 omitted (28.6.2022 for E.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), **Sch. 5 para. 83(7)**; S.I. 2022/561, reg. 3(f), Sch. para. 47 (with reg. 7(1))

- 10 [F18(1) Building regulations may make supplementary, incidental, transitional, transitory or saving provision.
- (2) Building regulations may make—
- (a) different provision for different purposes, and
- (b) different provision for different areas.
- (3) The power conferred by sub-paragraph (2)(a) includes in particular the power to make different provision for—
- (a) higher-risk buildings or proposed higher-risk buildings, or
- (b) higher-risk building work,
- and different provision for different descriptions of such buildings or work.
- (4) Nothing in sub-paragraph (3) is to be read as limiting the effect of section 34 (classification of buildings).]

Textual Amendments

- F18** Sch. 1 para. 10 substituted (6.4.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), **Sch. 5 para. 83(8)**; S.I. 2023/362, reg. 3(1)(w)(vii)

- 11 (1) Building regulations may repeal or modify—
- (a) any of the following provisions of this Act: sections 15, 18, 19, 21 to 29, 41, 59 to 87, 91 to 119, 123(2) and 126 (except as to the definitions of “contravention”, “local authority” [F19 (as it applies for the purposes of Parts I and II of this Act)], “modifications”, “plans”, “prescribed” and “substantive requirements”), and paragraphs 1 and 5 to 14 of Schedule 3, or
- (b) any provision of an Act passed before the 20th September 1974,

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if it appears to the [^{F20}Secretary of State][^{F20}appropriate national authority] that it is inconsistent with, or is unnecessary or requires alteration in consequence of, any provision contained in or made under any enactment relating to building regulations.

(2) Building regulations may—

- (a) repeal or alter section 12(1) of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976 (byelaws as to supply of heat) or any provision of byelaws in force by virtue of it, and
- (b) make any modification of section 12(2) of that Act that the [^{F20}Secretary of State][^{F20}appropriate national authority] considers is appropriate in consequence of the repeal or alteration. [^{F21}or
- (c) any provision of a local Act passed before the day on which the Deregulation and Contracting Out Act 1994 is passed,]

Textual Amendments

F19 Words substituted by [S.I. 1986/452, art. 3\(1\), Sch. 2 para. 5](#)

F20 Words in [Sch. 1 para. 11](#) substituted (28.6.2022 for E.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 5 para. 83\(9\)](#); [S.I. 2022/561, reg. 3\(f\), Sch. para. 47](#)

F21 [Sch. 1 para. 11\(1\)\(c\)](#) and word preceding it inserted (3.11.1994) by [1994, c. 40, s.32\(1\)](#)

Marginal Citations

M1 [1976 c. 57.](#)

SCHEDULE 2

RELAXATION OF BUILDING REGULATIONS FOR EXISTING WORK

Application of schedule

- 1 This Schedule applies to a direction under section 8 of this Act that will affect the application of building regulations to work that has been carried out before the giving of the direction.

Cases where no direction may be given

- 2 Neither the [^{F22}Secretary of State][^{F22}appropriate national authority] nor a local authority shall give a direction to which this Schedule applies—
- (a) if the local authority have, before the making of the application for the direction, become entitled under section 36(3) of this Act to pull down, remove or alter the work to which the application relates, or
 - (b) if, when the application is made, there is in force an injunction or other direction given by a court that requires the work to be pulled down, removed or altered.

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Textual Amendments

F22 Words in [Sch. 2 para. 2](#) substituted (28.6.2022 for E.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 84\(3\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 49](#)

Suspension of certain provisions while application pending

- 3
- (1) Subject to the following provisions of this Schedule, after the making of an application for a direction to which this Schedule applies, and until the application is withdrawn or finally disposed of, no section 36 notice shall be given as regards the work to which the application relates on the ground that it contravenes the requirement to which the application relates.
 - (2) If an application for a direction to which this Schedule applies is made less than 12 months after the completion of the work to which the application relates, section 36(4) of this Act does not prevent the giving of a notice as regards that work at any time within a period of 3 months from the date on which the application is withdrawn or finally disposed of.
 - (3) If an application for a direction to which this Schedule applies is made after a section 36 notice has been given on the ground that the work to which the application relates contravenes the requirement to which the application relates (not being an application prohibited by paragraph 2 of this Schedule), section 36(3) of this Act has effect in relation to that work as if for the reference to the period there mentioned there were substituted a reference to a period expiring 28 days after the application is withdrawn or finally disposed of, or such longer period as a magistrates' court may allow.
 - (4) Subject to the following provisions of this Schedule, if an application for a direction to which this Schedule applies is made after any person has, in consequence of the carrying out of the work to which the application relates in contravention of building regulations, become liable to a penalty continuing from day to day, the daily penalty is not recoverable in respect of any day after the making of the application and before it is withdrawn or finally disposed of.
 - (5) In a case where an application is withdrawn or is finally disposed of without any direction being given, the [F23Secretary of State][F23appropriate national authority] or, as the case may be, the local authority may order that the daily penalty is not recoverable in respect of any day during such further period not exceeding 28 days as may be specified in the order.

Textual Amendments

F23 Words in [Sch. 2 para. 3\(5\)](#) substituted (28.6.2022 for E.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 84\(3\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 49](#)

- 4 Paragraph 3(1), (3) and (4) above do not apply to an application that is a repetition, or substantially a repetition, of a previous application under section 8 of this Act.

Status: Point in time view as at 06/04/2023.

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Saving for criminal liability incurred before making of application

- 5 The giving of a direction to which this Schedule applies does not affect the liability of a person for an offence committed before the giving of the direction, except so far as that liability depends on the continuation of the offence after the giving of the direction.

Termination of proceedings under section 36 on giving of direction

- 6 If, before the giving of a direction to which this Schedule applies, a section 36 notice has been given, and the contravention of building regulations by virtue of which the notice was given comes to an end when the direction is given, the local authority is not, after the giving of the direction, entitled to proceed under section 36(3) of this Act by virtue of that notice.

SCHEDULE 3

Sections 46, 88 and 91(2).

INNER LONDON

PART I

APPLICATION OF PART I OF THIS ACT

Application to inner London.

- 1 Sections . . . ^{F24}, . . . ^{F25} 24(1), (2) and (4), 25 . . . ^{F25} of this Act do not apply to inner London.

Textual Amendments

F24 Number repealed by S.I. 1985/1936, reg. 3(1)(2), Sch. 3 para. 20, Sch. 4

F25 Words repealed by S.I. 1987/798, regs. 3(3), 4, Sch. 4 Pt. I

Application of provisions by building regulations.

- 2 (1) Where, by section 91(2) above or by building regulations made under paragraph 6 of Schedule 1 to this Act or paragraph 14(1) of this Schedule, local authorities, or a prescribed person or class of persons other than local authorities, are made responsible for—
- (a) enforcing, or
 - (b) performing prescribed functions under or in connection with,
- building regulations in force in inner London, then, without prejudice to the said paragraphs 6 and 14(1), building regulations may in that connection provide for any relevant provision to apply (with any prescribed modifications, and notwithstanding paragraph 1 above) in relation to any such authority, person or class of persons as that provision applies in relation to a local authority outside inner London.
- (2) In sub-paragraph (1) above, “relevant provision” means any of the following provisions of this Act that may be prescribed for the purposes of sub-paragraph (1)

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above: sections 4, 8 to 10, 16, 18(1), (4) and (5), 21 to 23, 24(1), (2) and (4), 26 to 29, 32, 36, 37, 39 and 40.

Repeal and modification of Acts.

- 3 Without prejudice to the generality of paragraph 11(1) of Schedule 1 to this Act, building regulations may repeal or modify—
- (a) any provision of the London Building Acts 1930 to 1939,
 - (b) any provision of an Act passed before the 20th September 1974, in so far as that provision—
 - (i) applies to or to any part of inner London, and
 - (ii) relates to, or to the making of, byelaws for or for any part of inner London with respect to any matter for or in connection with which provision can be made by building regulations, or
 - (c) any provision of byelaws made or having effect under the said Acts or of any such byelaws as are mentioned in sub-paragraph (b)(ii) above,
- if it appears to the Secretary of State that the repeal or, as the case may be, the modification of that provision is expedient—
- (i) in consequence of the application of any of sections 61, 62 and 67 of the ^{M2}Public Health Act 1936, sections 4(2), (5), (6) and (7), 5 and 9 of the ^{M3}Public Health Act 1961 and sections 61 to 74 and 76 of the ^{M4}Health and Safety at Work etc. Act 1974 to inner London by virtue of section 70(1) of the said Act of 1974 (which section is repealed by and incorporated in this Act),
 - (ii) in consequence of paragraph 2 or 14 of this Schedule, or
 - (iii) in connection with any provision contained in building regulations that apply to or to any part of inner London.

Marginal Citations

- M2** 1936 c. 49.
M3 1961 c. 64.
M4 1974 c. 37.

Consultation.

- 4 Before making any building regulations that provide for the repeal or modification of any such provision the Secretary of State shall (without prejudice to the requirements as to consultation in [^{F26}section 120B(3)] of this Act) consult [^{F27}any local authority] who appear to him to be concerned.

Textual Amendments

- F26** Words in [Sch. 3 para. 4](#) substituted (1.4.2023) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 85](#); S.I. 2023/362, reg. 2(2)(c)
- F27** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 14\(4\)\(b\)\(i\)](#)

Status: Point in time view as at 06/04/2023.

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PART II

APPLICATION OF PART III OF THIS ACT

Application to inner London.

- 5 Sections 71 [^{F28}, 72(1) to (4), (6) and (7), 73]to 75, 77 to 83, 85 and 90 of this Act do not apply to inner London.

Textual Amendments

F28 Words inserted by S.I. 1987/798, regs. 2(3), 4

Modifications etc. (not altering text)

C1 Sch. 3 para. 5 applied (with modifications)(20.9.2000) by 2000 c. vii, s. 45(5)

Application to Temples.

- 6 Sections 59 to 61 of this Act do not apply to the Inner Temple or the Middle Temple.

PART III

BUILDING AND DRAINAGE OF BUILDINGS

Drainage of new building.

- 7-9 ^{F29}

Textual Amendments

F29 Sch. 3 paras. 7-9 repealed by S.I. 1987/798, regs. 3(3), 4, Sch. 4 Pt. I

PART IV

BYELAWS

Byelaws about demolition.

- 10 (1) [^{F30}The council of an inner London borough may make byelaws in relation to the demolition of buildings in the borough]—
- (a) requiring the fixing of fans at the level of each floor of a building undergoing demolition,
 - (b) requiring the boarding up of windows in a building from which sashes and glass have been removed,
 - (c) regulating the demolition of internal parts of buildings before any external walls are taken down,
 - (d) requiring the placing of screens or mats, the use of water or the taking of other precautions to prevent nuisances arising from dust,

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- (e) regulating the hours during which ceilings may be broken down and mortar may be shot, or be allowed to fall, into any lower floor,
 - (f) requiring any person proposing to demolish a building to give to the borough council such notice of his intention to do so as may be specified in the byelaws.
- (2) Byelaws under this paragraph may make different provision for different cases, and in particular may provide that, in their application to an area specified in the byelaws, the byelaws shall have effect subject to such modifications or exceptions as may be so specified.
- (3) No byelaws under this paragraph shall apply to a building (not being a dwelling-house) belonging to a board carrying on a railway undertaking and used by that board as a part of, or in connection with, that undertaking.

Textual Amendments

F30 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 16, [Sch. 8 para. 14\(4\)\(b\)\(2\)](#)

11 **F31**

Textual Amendments

F31 [Sch. 3 para. 11](#) repealed by [S.I. 1987/798, regs. 3\(3\), 4](#), [Sch. 4 Pt. I](#)

12 **F32**

Textual Amendments

F32 [Sch. 3 para. 12](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

Restriction of application of Part IV of Act.

13 Part IV of this Act does not apply in relation to this Part of this Schedule, . . . **F33**

Textual Amendments

F33 Words repealed by [S.I. 1987/798, regs. 3\(3\), 4](#), [Sch. 4 Pt. I](#)

PART V

ENFORCEMENT OF BUILDING REGULATIONS

14 **F34**

Textual Amendments

F34 [Sch. 3 para. 14](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

Status: Point in time view as at 06/04/2023.

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SCHEDULE 4

Section 54.

PROVISIONS CONSEQUENTIAL UPON PUBLIC BODY’S NOTICE

Duration of notice

- 1 (1) A public body’s notice comes into force when it is accepted by the local authority, either by notice given within the prescribed period to the public body by which it was given or by virtue of section 54(3) of this Act, and, subject to paragraph 3(3) [F35below][F35(final certificates) and paragraph 4A (lapse of public body’s notice)], continues in force until the occurrence of, or the expiry of a prescribed period of time beginning on the date of such event as may be prescribed.
- (2) Building regulations may empower a local authority to extend (whether before or after its expiry) any such period of time as is referred to in sub-paragraph (1) above.

Textual Amendments

F35 Words in [Sch. 4 para. 1\(1\)](#) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 36(10)**, [170\(4\)\(b\)\(c\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(o\)](#); [S.I. 2023/914](#), [reg. 2\(b\)\(ii\)](#); [S.I. 2023/993](#), [reg. 2\(g\)](#) (with [regs. 3, 5](#))

Public body’s plans certificates

- 2 [F36(1) In this Part a “public body’s plans certificate” means a certificate by a public body that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the public body has given a public body’s notice).
- (1A) The relevant conditions are that the public body—
- (a) is satisfied that—
 - (i) a competent person has inspected full plans of the work, or
 - (ii) a competent person has inspected plans of the work which the public body is satisfied, in the light of that inspection, are sufficient for the purposes of giving a public body’s plans certificate in relation to the work,
 - (b) is satisfied in the light of that inspection that the plans are not defective,
 - (c) is satisfied in the light of that inspection that work carried out in accordance with the plans would not contravene any provision of building regulations, and
 - (d) has complied with any prescribed requirements as to consultation or otherwise.
- (1B) “Competent person” means a servant or agent of the public body who is competent to assess the plans.
- (1C) If the relevant conditions are met, the public body may give a public body’s plans certificate to the local authority.
- (1D) A public body’s plans certificate must be in the prescribed form.]

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- (2) Building regulations may authorise the giving of a public body's notice combined with a public body's plans certificate, and may prescribe a single form for such a combined notice and certificate; and where such a prescribed form is used—
- (a) a reference in this Schedule or in any other provision of Part II of this Act to a public body's notice or to a public body's plans certificate includes a reference to that form, but
 - (b) should the form cease to be in force as a public body's notice by virtue of paragraph 1(1) above, nothing in that paragraph affects the continuing validity of the form as a public body's plans certificate.
- (3) A public body's plans certificate—
- (a) may relate either to the whole or to part only of the work specified in the public body's notice concerned, and
 - (b) does not have effect unless it is accepted by the local authority to whom it is given.
- (4) A local authority to whom a public body's plans certificate is given—
- (a) may not reject the certificate except on prescribed grounds, and
 - (b) shall reject the certificate if any of the prescribed grounds exists.
- (5) Unless, within the prescribed period, the local authority to whom a public body's plans certificate is given give notice of rejection, specifying the ground or grounds in question, to the public body by which the certificate was given, the authority are conclusively presumed to have accepted the certificate.
- (6) ^{F37}If it appears to a local authority by whom a public body's plans certificate has been accepted that the work to which the certificate relates has not been commenced within the period of three years beginning on the date on which the certificate was accepted, the authority may rescind their acceptance of the certificate by notice, specifying the ground or grounds in question given to the public body.]
- ^{F38}(7) Building regulations may make further provision about public body's plans certificates, including in particular provision—
- (a) requiring a public body's plans certificate to be given to the local authority in prescribed cases;
 - (b) about the consequences of failing to comply with such a requirement (for example, for a public body's notice to cease to have effect in whole or in part);
 - (c) requiring a public body's plans certificate stating that the condition in [sub-paragraph \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the public body considers need to be provided.]

Textual Amendments

- F36** Sch. 4 para. 2(1)-(1D) substituted for Sch. 4 para. 2(1) (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 49(3)(a), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F37** Sch. 4 para. 2(6) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), ss. 36(11), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)

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F38 Sch. 4 para. 2(7) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by **Building Safety Act 2022 (c. 30), ss. 49(3)(b), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)**

Public body’s final certificates

- 3 (1) Where a public body is satisfied that any work specified in a public body’s notice given by it has been completed, the body may give to the local authority such certificate with respect to the completion of the work and compliance with building regulations as may be prescribed (called a “public body’s final certificate”).
- (2) Sub-paragraphs (3) to (5) of paragraph 2 above have effect in relation to a public body’s final certificate as if any reference in those sub-paragraphs to a public body’s plans certificate were a reference to a public body’s final certificate.
- (3) Where a public body’s final certificate has been given with respect to any of the work specified in a public body’s notice and that certificate has been accepted by the local authority concerned, the public body’s notice ceases to apply to that work, but the provisions of section 48(1) of this Act, as applied by section 54(4), continue, by virtue of this sub-paragraph, to apply in relation to that work as if the public body’s notice continued in force in relation to it.

Effects of public body’s notice ceasing to be in force

- 4 (1) This paragraph applies where a public body’s notice ceases to be in force by virtue of paragraph 1 above.
- (2) Building regulations may provide that if—
- (a) a public body’s plans certificate was given before the day on which the public body’s notice ceased to be in force, and
 - (b) that certificate was accepted by the local authority (before, on or after that day), ^{F39}and
 - (c) before that day, that acceptance was not rescinded by a notice under paragraph 2(6) above,]
- then, with respect to the work specified in the certificate, such of the functions of a local authority referred to in section 48(1) of this Act as may be prescribed for the purposes of this sub-paragraph either are not exercisable or are exercisable only in prescribed circumstances.
- (3) If, before the day on which the public body’s notice ceased to be in force, a public body’s final certificate was given in respect of part of the work specified in the notice and that certificate was accepted by the local authority (before, on or after that day), the fact that the public body’s notice has ceased to be in force does not affect the continuing operation of paragraph 3(3) above in relation to that part of the work.
- (4) Notwithstanding anything in sub-paragraphs (2) and (3) above, for the purpose of enabling the local authority to perform the functions referred to in section 48(1) of this Act in relation to any part of the work not specified in a public body’s plans certificate or final certificate, as the case may be, building regulations may require the local authority to be provided with plans that relate not only to that part but also to the part to which the certificate in question relates.

Status: Point in time view as at 06/04/2023.

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- (5) In any case where this paragraph applies, the reference in sub-section (4) of section 36 of this Act to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the public body’s notice ceased to be in force.
- (6) Subject to any provision of building regulations made by virtue of sub-paragraph (2) above if, before the public body’s notice ceased to be in force, an offence under section 35 of this Act was committed with respect to any of the work specified in that notice, summary proceedings for that offence may be commenced by the local authority at any time within six months beginning with the day on which the functions of the local authority referred to in section 48(1) of this Act became exercisable with respect to the provision of building regulations to which the offence relates.
- (7) Any reference in the preceding provisions of this paragraph to section 48(1) of this Act is a reference to that section as applied by section 54(4) of this Act.

Textual Amendments

F39 Sch. 4 para. 4(2)(c) and word omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), ss. 36(12), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)

[^{F40}Lapse of public body’s notice

Textual Amendments

F40 Sch. 4 para. 4A and cross-heading inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 36(13), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)

- 4A (1) This paragraph applies where—
- (a) on any day (“the relevant day”) a public body’s notice is given in respect of any work, and
 - (b) the public body’s notice is accepted.
- (2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—
- (a) the public body’s notice ceases to be in force, and
 - (b) if a public body’s plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).
- (3) Where the work relates to more than one building, and the work in relation to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day—
- (a) the public body’s notice ceases to be in force so far as it relates to the relevant work, and

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- (b) if a public body’s plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).
- (4) For the purposes of [sub-paragraph \(3\)\(b\)](#) it does not matter whether the public body’s plans certificate also relates to work other than the relevant work.
- (5) In this paragraph “the relevant provisions” has the meaning given by [section 32](#).
- (6) Building regulations may make provision about when work (or work relating to a building) is to be regarded as commenced for the purposes of this paragraph.]

Consultation

5 Building regulations may make provision for requiring, in such circumstances as may be prescribed, a public body that has given a public body’s notice to consult any prescribed person before taking any prescribed step in connection with any work specified in the notice.

SCHEDULE 5

Section 132.

TRANSITIONAL PROVISIONS

Joint application to the Secretary of State for the determination of certain questions relating to building regulations

F41₁

Textual Amendments

F41 [Sch. 5 para. 1](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

The Clean Air Act 1956 and the Housing Act 1957

F42₂

Textual Amendments

F42 [Sch. 5 para. 2](#) repealed (27.8.1993) by [1993 c. 11, ss. 67\(3\), 68\(2\)](#), [Sch.6](#).

Repeal and amendment of Acts etc.

- 3 Any power that is exercisable by virtue of—
 - (a) section 317 of the ^{M5}Public Health Act 1936,
 - (b) section 82 of the Public Health Act 1961,
 - (c) section 82, 83 or 84 of the ^{M6}London Government Act 1963,
 - (d) section 252 or 254 of the ^{M7}Local Government Act 1972, or

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(e) section 48 of the ^{M8}Local Government (Miscellaneous Provisions) Act 1982,

in relation to a provision that is repealed and re-enacted by this Act is exercisable in relation to that provision as so re-enacted to the extent to which it would have been exercisable immediately before such repeal.

Marginal Citations

- M5 1936 c. 49.
- M6 1963 c. 33.
- M7 1972 c. 70.
- M8 1982 c. 30.

^{F43}4

Textual Amendments

- F43 Sch. 5 para. 4 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

5 Without prejudice to the power to make building regulations, the repeal of section 70(1) of the ^{M9}Health and Safety at Work etc. Act 1974, and the re-enactment in this Act of that subsection down to “Wales”, do not of themselves cause any building regulations to apply to inner London that were prevented by that subsection from so applying.

Marginal Citations

- M9 1974 c. 37.

SCHEDULE 6

Section 133(1).

CONSEQUENTIAL AMENDMENTS

The ^{M10}Restriction of Ribbon Development Act 1935

Marginal Citations

- M10 1935 c. 47.

1

^{F44}

Textual Amendments

- F44 Sch. 6 para. 1 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. VII

Status: Point in time view as at 06/04/2023.

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The ^{M11}Public Health Act 1936

Marginal Citations

M11 1936 c. 49.

- 2 In section 6(1) of the Public Health Act 1936, after the words “except section 46,” (which with other words were inserted by the ^{M12}Public Health (Control of Disease) Act 1984) there is inserted “or of the Building Act 1984,”.

Marginal Citations

M12 1984 c. 22.

- 3 In section 269(8)(i) of that Act, for “the building byelaws of the local authority” there is substituted “building regulations”.

The ^{M13}Atomic Energy Authority Act 1954

Marginal Citations

M13 1954 c. 32.

- 4 In section 5(5) of the Atomic Energy Authority Act 1954, for “Section 71 of the Public Health Act 1936” there is substituted “Section 4 of the Building Act 1984”.

The ^{M14}Clean Air Act 1956

Marginal Citations

M14 1956 c. 52.

- F455

Textual Amendments

F45 Sch. 6 para. 5 repealed (27.8.1993) by 1993 c. 11, ss. 67(3), 68(2) Sch.6.

The ^{M15}Housing Act 1957

Marginal Citations

M15 1957 c. 56.

- 6

F46

Status: Point in time view as at 06/04/2023.

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Textual Amendments

F46 Sch. 6 para. 6 repealed by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 3, 5(2), Sch. 1 Pt. I, [Sch. 4](#)

The ^{M16}Radioactive Substances Act 1960

Marginal Citations

M16 1960 c. 34.

F47

Textual Amendments

F47 Sch. 6 para. 7 repealed (27.8.1993) by 1993 c. 12, ss.50, 51(2), [Sch. 6 Pt. I](#) (with ss. 42, 46).

The ^{M17}Public Health Act 1961

Marginal Citations

M17 1961 c. 64.

8 In section 17(15) of the Public Health Act 1961 (as substituted by section 27(1) of the ^{M18}Local Government (Miscellaneous Provisions) Act 1982), for “section 39 of the Public Health Act 1936” there is substituted “section 59 of the Building Act 1984”.

Marginal Citations

M18 1982 c. 30.

The ^{M19}London Government Act 1963

Marginal Citations

M19 1963 c. 33.

F48

Textual Amendments

F48 Sch. 6 para. 9 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

10 In paragraph 9(5) of Part II of Schedule 11 to that Act, for “section 27 of the Public Health Act 1961” there is substituted “section 79 of the Building Act 1984”.

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The ^{M20}Offices, Shops and Railway Premises Act 1963

Marginal Citations

M20 1963 c. 41.

- 11 In section 9(6) of the Offices, Shops and Railway Premises Act 1963, for “sections 44 to 46” there is substituted “section 45”.

The ^{M21}Faculty Jurisdiction Measure 1964

Marginal Citations

M21 1964 No. 5.

- F49 12

Textual Amendments

F49 Sch. 6 para. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 13

The ^{M22}Fire Precautions Act 1971

Marginal Citations

M22 1971 c. 40.

- 13 For section 30(3)(a) and (b) of the Fire Precautions Act 1971 there is substituted—
 “(a) section 71(1) to (4) of the Building Act 1984;”
 (b) section 72 (except subsection (5)) of that Act;.

The ^{M23}Local Government Act 1972

Marginal Citations

M23 1972 c. 70.

- 14 In section 181(2)(a) of the Local Government Act 1972, for “sections 14 to 42” there is substituted “sections 15, 17 to 24, 27, 29 to 34, 36 and 42”.

The ^{M24}Safety of Sports Grounds Act 1975

Marginal Citations

M24 1975 c. 52.

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- 15 In section 9(1)(c) of the Safety of Sports Grounds Act 1975, for “section 59 of the Public Health Act 1936” there is substituted “sections 24 and 71 of the Building Act 1984”.

The ^{M25}Local Land Charges Act 1975

Marginal Citations

M25 1975 c. 76.

- 16 In section 1(1)(a) of the Local Land Charges Act 1975, after the words “by that Act)” (which with other words were inserted by the ^{M26}Highways Act 1980) there is inserted “or the Building Act 1984”.

Marginal Citations

M26 1980 c. 66.

The ^{M27}Local Government (Miscellaneous Provisions) Act 1976

Marginal Citations

M27 1976 c. 57.

- 17 In section 12(3) of the Local Government (Miscellaneous Provisions) Act 1976, for the words from “Building regulations” to “alteration; and” there is substituted “Subsections (1) and (2) above have effect subject to paragraph 11(2) of Schedule 1 to the Building Act 1984; and”.

The ^{M28}Development of Rural Wales Act 1976

Marginal Citations

M28 1976 c. 75.

- 18 **F50**

Textual Amendments

F50 Sch. 6 paras. 18, 22 repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

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The ^{M29} Interpretation Act 1978

Marginal Citations

M29 1978 c. 30.

- 19 In Schedule 1 to the Interpretation Act 1978, in the definition of “Building regulations”, for the words from “means” to the end there is substituted “has the meaning given by section 122 of the Building Act 1984”.

The ^{M30} Highways Act 1980

Marginal Citations

M30 1980 c. 66.

- 20 In section 168(1)(b) of the Highways Act 1980, for “section 25 of the Public Health Act 1961” there is substituted “section 78 of the Building Act 1984”.
- 21 In section 223(1)(a) of that Act, for “section 66 of the Public Health Act 1936” there is substituted “section 32 of the Building Act 1984”.

New Towns Act 1981 ^{M31}

Marginal Citations

M31 1981 c. 64.

- 22 **F51**

Textual Amendments

F51 Sch. 6 paras. 18, 22 repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**

The ^{M32} Public Health (Control of Disease) Act 1984

Marginal Citations

M32 1984 c. 22.

- 23 There is added at the end of section 7(4) of the Public Health (Control of Disease) Act 1984—
 “(k) the Building Act 1984 (other than Parts III of Schedule 3).”

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SCHEDULE 7

Section 133(2).

REPEALS

Chapter	Short title	Extent of repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	Public Health Act 1936.	Section 25. Sections 37 to 41. Sections 43 and 44. Sections 46 and 47. Sections 53 to 62. Sections 64 to 67. Sections 70 and 71. Section 88. Section 90(3) and (6). Sections 137 and 138. Section 142. Section 344.
7 & 8 Geo. 6. c. 31.	Education Act 1944.	Section 63(1).
8 & 9 Geo. 6. c. 42.	Water Act 1945.	Sections 29 and 30. In Schedule 4, the seventh paragraph.
F52	F52	F52
...
2 & 3 Eliz. 2. c. 32.	Atomic Energy Authority Act 1954.	Section 5(5).
8 & 9 Eliz. 2. c. 34.	Radioactive Substances Act 1960.	In Schedule 1, in paragraph 3 the word “thirty-nine,”
9 & 10 Eliz. 2 c. 64.	Public Health Act 1961.	Sections 4 to 11. Sections 19 to 21. Sections 23 to 33. Schedule 1.
1963 c. 33.	London Government Act 1963.	In Schedule 9, in Part II paragraph 18, and in Part III paragraphs 13 to 15. In Schedule 11, in Part I, in paragraph 11 the words “, section 41 of this Act”, paragraphs 12, 21 and 34 to 36, and in Part II paragraphs 2 and 3.

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1967 c. xx.	Greater London Council (General Powers) Act 1967.	Section 25.
1971 c. 40.	Fire Precautions Act 1971.	Sections 13(5), 15, 30(1) and 40(7).
1972 c. 70.	Local Government Act 1972.	In Schedule 14, in paragraph 4 the words “41, 46,” and paragraph 10.
1973 c. 37.	Water Act 1973.	Section 14(6) and (7). In Schedule 8, in paragraph 36, in sub-paragraph (1) (a) the words from “and sections” to “Middle Temple”, sub-paragraph (1) (b), and in sub-paragraph (2) the words from “except” to the end, and paragraphs 38, 41 and 42.
1974 c. 37.	Health and Safety at Work etc. Act 1974.	Sections 61 to 74. Section 76. Schedules 5 and 6. In Schedule 10, the items relating to the Public Health Act 1936, the Town and Country Planning Act 1947, the Atomic Energy Authority Act 1954, the Public Health Act 1961, the Airports Authority Act 1965 and the Civil Aviation Act 1971.
1974 c. 40.	Control of Pollution Act 1974.	Section 28(2). In section 61(2), the words “under Part II of the Public Health Act 1936” In Schedule 2, paragraph 10.
1975 c. 78.	Airports Authority Act 1975.	Section 19(2).
1976 c. 57.	Local Government (Miscellaneous Provisions) Act 1976.	Section 34.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 6, the entries relating to offences under sections 60(1) and 59(4) of the Public Health Act 1936.

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1977 c. xv.	City of London (Various Powers) Act 1977.	Section 25.
1980 c. 20.	Education Act 1980.	In sections 14(4) and 27(5), the words “section 71(a) of the Public Health Act 1936 and”
1980 c. 66.	Highways Act 1980.	Section 112(8). In section 114(4), the words from “and nothing” to the end of the subsection.
1981 c. 12.	Water Act 1981.	Section 5 .
1982 c. 16.	Civil Aviation Act 1982.	In Schedule 2, paragraph 1(1).
1982 c. 30.	Local Government (Miscellaneous Provisions) Act 1982.	Section 8(1). Sections 24 and 25. Section 28.
1984 c. 29.	Housing and Building Control Act 1984.	Sections 39 to 59. Section 60(2) (b). Section 61. In section 62(1), the definitions of “contravention” and “local authority” Section 62(2). Section 66(2). In section 66(3), the words “Except as provided by subsection (2) above.” Schedules 8 to 10. In Schedule 11, paragraphs 4, 5 and 35. In Schedule 12, in Part II, the items relating to section 67 of the Public Health Act 1936 and section 62(3) of the Health and Safety at Work etc. Act 1974.

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Textual Amendments

F52 Entry in Sch. 7 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt.XIII** Group 1.

Status:

Point in time view as at 06/04/2023.

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