

## SCHEDULE 3

### Transitional, supplementary and saving provisions

## PART 2

### Enforcement and interpretation

#### Contravention of certain provisions not to be an offence etc

**12.**—(1) The following provisions of this Schedule are prescribed for the purposes of section 35(2) of the 1984 Act as provisions in relation to which section 35(1) does not apply—

- (a) paragraphs 4(4) and 5(4) (including as applied by paragraphs 15(4) and 16(4)) (duties of approved inspectors);
- (b) paragraph 6 (from April 2024: local authority to notify regulator where work has not sufficiently progressed).

(2) The following provisions of this Schedule are prescribed for the purposes of section 35B(7) (a) of the 1984 Act as provisions in relation to which a compliance notice<sup>(1)</sup> may not be given—

- (a) paragraphs 4(4) and 5(4) (including as applied by paragraphs 15(4) and 16(4)) (duties of approved inspectors);
- (b) paragraph 6 (from April 2024: local authority to notify regulator where work has not sufficiently progressed).

#### Commencement Information

**II** Sch. 3 para. 12 in force at 1.10.2023, see [reg. 1\(1\)](#)

#### Interpretation

**13.**—(1) For the purposes of this Schedule—

“initial notice” is a notice given under section 47 of the 1984 Act;

“full plans” means plans deposited with a local authority for the purposes of section 16 of the 1984 Act in accordance with regulations 12(2)(b) and 14 of the 2010 Regulations (as those provisions had effect immediately before 1st October 2023).

(2) Subject to sub-paragraph (3), any reference to work to which an initial notice relates is to be construed as a reference to that work as varied by an amendment notice given under section 51A of the 1984 Act<sup>(2)</sup> which has been accepted.

(3) Sub-paragraph (2) does not apply where the amendment notice under section 51A of the 1984 Act is given on or after 1st October 2023 and is such that the work as varied becomes higher-risk building work.

(1) See the definition of “compliance notice” in section 35B(2) of the Building Act 1984, as inserted by section 38(1) of the Building Safety Act 2022.

(2) Section 51A was inserted by [S.I. 1996/1905](#) and amended by sections 46(2) and 48(3) of, and paragraph 42(3) of Schedule 5 to, the Building Safety Act 2022.

**Changes to legislation:** There are currently no known outstanding effects for the *The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, PART 2*. (See end of Document for details)

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**Commencement Information**

**I2** [Sch. 3 para. 13](#) in force at 1.10.2023, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, PART 2.