



# Building Act 1984

## CHAPTER 55

### BUILDING ACT 1984

#### PART I

##### BUILDING REGULATIONS

###### *Power to make building regulations*

- 1 Power to make building regulations.
- 1A Buildings of special historical or architectural interest
- 2 Continuing requirements.
- 2A Continuing requirements in relation to fuel, power and emissions
- 2B Optional requirements

###### *Duty to review minimum energy performance requirements*

- 2C Review of minimum energy performance requirements

###### *Exemption from building regulations*

- 3 Exemption of particular classes of buildings etc.
- 4 Exemption of educational buildings and buildings of statutory undertakers.
- 5 Exemption of public bodies from procedural requirements of building regulations.

###### *Approved documents*

- 6 Approval of documents for purposes of building regulations.
- 7 Compliance or non-compliance with approved documents.

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### *Relaxation of building regulations*

- 8 Relaxation of building regulations.
- 9 Application for relaxation.
- 10 Advertisement of proposal for relaxation of building regulations.
- 11 Type relaxation of building regulations.

### *Type approval of building matter*

- 12 Power of appropriate national authority to approve type of building matter.
- 13 Delegation of power to approve.

### *Consultation*

- 14 Consultation with Building Regulations Advisory Committee and other bodies : Wales
- 15 Consultation with fire authority.

### *Passing of plans*

- 16 Passing or rejection of plans.
- 17 Approval of persons to give certificates etc.
- 18 .....
- 19 Use of short-lived materials.
- 20 Use of materials unsuitable for permanent building.
- 21 Provision of drainage.
- 22 Drainage of buildings in combination.
- 23 Provision of facilities for refuse.
- 24 Provision of exits etc.
- 25 Provision of water supply.
- 26–29 .....

### *Determination of questions*

- 30 .....

### *Determination by appropriate national authority*

- 30A Determination of certain applications by appropriate national authority

### *Proposed departure from plans*

- 31 Proposed departure from plans.

### *Lapse of deposit of plans*

- 32

### *Tests for conformity with building regulations*

- 33 Tests for conformity with building regulations.

### *Classification of buildings*

- 34 Classification of buildings.

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*Breach of building regulations*

- 35  
35A Time limit for prosecution for contravention of ... building regulations

*Notices in respect of contraventions*

- 35B Compliance notices  
35C Stop notices  
35D Compliance and stop notices: supplementary  
36 Removal or alteration of offending work.  
37 Obtaining of report where section 36 notice given.  
38 Civil liability.

*Appeals in certain cases*

- 39 Appeal against refusal etc. to relax building regulations.  
39A Appeals against compliance notices and stop notices etc  
40 Appeal against section 36 notice.  
41 Appeal to Crown Court.  
42 Appeal and statement of case to High Court in certain cases.  
43 Procedure on appeal to Secretary of State on certain matters.

*Application of building regulations to Crown etc.*

- 44 Application to Crown.  
45 Application to United Kingdom Atomic Energy Authority.

*Inner London*

- 46 Inner London.

*Building control authorities: restricted activities and functions*

- 46A Building control authorities: restricted activities and functions

**PART II**

**SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY LOCAL AUTHORITIES**

*Supervision of plans and work by approved inspectors*

- 47 Giving and acceptance of initial notice.  
48 Effect of initial notice.  
49 Approved inspectors.  
50 Plans certificates.  
51 Final certificates.  
51A Variation of work to which initial notice relates.  
51B Effect of amendment notice  
51C Change of person intending to carry out work  
52 Cancellation of initial notice.  
52A Cancellation of initial notice when work becomes higher-risk building work  
52B Effect of initial notice ceasing to be in force where work becomes higher-risk building work  
53 Effect of initial notice ceasing to be in force.  
53A Lapse of initial notice

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- 53B New initial notice: change of registered building control approver
- 53C Consideration of transfer certificate and report
- 53D Cancellation of initial notice: change of registered building control approver
- 53E Restriction on functions of registered building control approvers

*Supervision of their own work by public bodies*

- 54 Giving, acceptance and effect of public body's notice.
- 54A Public bodies and higher-risk building work

*Registered building control approvers: restricted activities and functions*

- 54B Registered building control approvers: restricted activities and functions

*Supplementary*

- 55 Appeals.
- 56 Recording and furnishing of information.
- 56A Giving information by electronic means: England
- 56B Requirement to keep register: England
- 56C Delegation of functions
- 57 Offences.
- 58 Construction of Part II.

**PART 2A**

**REGULATION OF BUILDING CONTROL PROFESSION**

*Interpretation*

- 58A "Regulatory authority"

*Registered building inspectors*

- 58B "Registered building inspector"
- 58C Register of building inspectors
- 58D Application for registration as building inspector
- 58E Variation or cancellation of registration as building inspector
- 58F Code of conduct
- 58G Registered building inspectors: information notices
- 58H Professional misconduct investigations
- 58I Sanctions for professional misconduct
- 58J Interim suspension for suspected serious professional misconduct
- 58K Suspension orders: further provision
- 58L Offences relating to registration
- 58M Offence of acting as, or pretending to be, a registered building inspector

*Registered building control approvers*

- 58N "Registered building control approver"
- 58O Register of building control approvers
- 58P Application for registration as building control approver
- 58Q Variation or cancellation of registration as building control approver
- 58R Professional conduct rules
- 58S Registered building control approvers: information notices
- 58T Investigations into contraventions of professional conduct rules

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- 58U Sanctions for contravention of professional conduct rules
- 58V Interim suspension for suspected serious contravention
- 58W Offence of registered building control approver acting outside scope of registration
- 58X Offence of pretending to be a registered building control approver

*Delegation of registration functions*

- 58Y Delegation of registration functions

*Operational standards rules*

- 58Z Operational standards rules
- 58Z1 Reporting requirements
- 58Z2 Information: Wales
- 58Z3 Investigations
- 58Z4 Improvement notice
- 58Z5 Serious contravention notices
- 58Z6 Continuing failure to meet standards: registered building control approvers
- 58Z7 Continuing failure to meet standards: local authorities in England

*Inspection of local authorities and registered building control approvers*

- 58Z8 Inspections

*Information sharing*

- 58Z9 Sharing of information between regulatory authorities

*Appeals*

- 58Z10 Appeal to Crown Court

**PART III**

**OTHER PROVISIONS ABOUT BUILDINGS**

*Drainage*

- 59 Drainage of building.
- 60 Use and ventilation of soil pipes.
- 61 Repair etc, of drain.
- 62 Disconnection of drain.
- 63 Improper construction or repair of water-closet or drain.

*Provision of sanitary conveniences*

- 64 Provision of closets in building.
- 65 Provision of sanitary conveniences in workplace.
- 66 Replacement of earth-closets etc.
- 67 Loan of temporary sanitary conveniences.
- 68 Erection of public conveniences.

*Buildings*

- 69 Provision of water supply in occupied house.
- 70 Provision of food storage accommodation in house.

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- 71 Entrances, exits etc. to be required in certain cases.
- 72 Means of escape from fire.
- 73 Raising of chimney.
- 74 Cellars and rooms below subsoil water level.
- 75 Consents under s. 74.

*Defective premises, demolition etc.*

- 76 Defective premises.
- 77 Dangerous building.
- 78 Dangerous building—emergency measures.
- 79 Ruinous and dilapidated buildings and neglected sites.
- 80 Notice to local authority of intended demolition.
- 81 Local authority's power to serve notice about demolition.
- 82 Notices under section 81.
- 83 Appeal against notice under s. 81.

*Yards and passages*

- 84 Paving and drainage of yards and passages.
- 85 Maintenance of entrances to courtyards.

*Appeal to Crown Court*

- 86 Appeal to Crown Court.

*Application of provisions to Crown property*

- 87 Application of provisions to Crown property.

*Inner London*

- 88 Inner London.

*Miscellaneous*

- 89 References in Acts to building byelaws.
- 90 Facilities for inspecting local Acts.

**PART IV**

GENERAL

*Duties of local authorities*

- 91 Duties of local authorities and the regulator.
- 91ZA The regulator: building control authority for higher-risk buildings in England
- 91ZB The regulator: building control authority for other work
- 91ZC Section 91ZB: supplementary
- 91ZD Higher-risk buildings in Wales: local authority work
- 91A Registers to be kept by local authorities

*Documents*

- 92 Form of documents.
- 93 Authentication of documents.
- 94 Service of documents.

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94A Electronic service of documents

*Entry on premises*

- 95 Power to enter premises.
- 96 Supplementary provisions as to entry.

*Execution of works*

- 97 Power to execute work.
- 98 Power to require occupier to permit work.
- 99 Content and enforcement of notice requiring works.
- 100 Sale of materials.
- 101 Breaking open of streets.

*Appeal against refusal to consider application etc*

- 101A Appeal: refusal to consider application etc on ground is higher-risk building work

*Appeal against notice requiring works*

- 102 Appeal against notice requiring works.

*General provisions about appeals and applications*

- 103 Procedure on appeal or application to magistrates' court.
- 104 Local authority to give effect to appeal.
- 105 Judge not disqualified by liability to rates.

*Fees, charges and levies*

- 105B Fees and charges

*Compensation, and recovery of sums*

- 106 Compensation for damage.
- 107 Recovery of expenses etc.
- 108 Payment by instalments.
- 109 .....
- 110 Liability of agent or trustee.
- 111 Arbitration.

*Obstruction*

- 112 Obstruction

*Prosecutions*

- 113 Prosecution of offences.
- 114 Continuing offences.

*Protection of members etc. of authorities*

- 115 Protection of members etc. of authorities.

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### *Default powers*

- 116 Default powers of Secretary of State.
- 117 Expenses of Secretary of State.
- 118 Variations or revocation of order transferring powers.

### *Local inquiries*

- 119 Local inquiries.

### *Orders and regulations*

- 120 Orders.
- 120A Regulations
- 120B Proposals and consultation relating to regulations made by the Secretary of State
- 120C Consultation relating to regulations made by the Welsh Ministers

### *Higher-risk buildings etc*

- 120D Meaning of “higher-risk building”: England
- 120E Regulations under section 120D: procedure
- 120F Regulations under section 120D: additional procedure in certain cases
- 120G Recommendations about regulations under section 120D
- 120H Advice about regulations under section 120D
- 120I Higher-risk buildings and higher-risk building work: Wales

### *Interpretation*

- 121 Meaning of “building”.
- 121A Meaning of “building control authority”
- 122 Meaning of “building regulations”.
- 123 Meaning of “construct” and “erect”.
- 124 Meaning of deposit of plans
- 125 Construction and availability of sewers.
- 125A Meaning of work
- 126 General interpretation.
- 127 Construction of certain references concerning Temples.

### *Savings*

- 128 Protection for dock and railway undertakings.
- 129 Saving for Local Land Charges Act 1975.
- 130 Saving for other laws.
- 131 Restriction of application of Part IV to Schedule 3.

## **PART V**

### **SUPPLEMENTARY**

- 132 Transitional provisions.
- 133 Consequential amendments and repeals.
- 134 Commencement.
- 135 Short title and extent.



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## SCHEDULES

### SCHEDULE 1 — Building Regulations

- 1 Building regulations may— (a) provide for particular requirements of the...
- 2 Building regulations may include provision as to—
- 3 Building regulations may provide for requiring local authorities and approved...
- 4 Building regulations may— (a) authorise local authorities to accept, as...
- 4A (1) Building regulations may— (a) provide for requiring that, in...
- 4B (1) Building regulations may provide that in relation to any...
- 5 (1) Building regulations may authorise local authorities to charge prescribed...
- 6 Building regulations may make a prescribed person or class of...
- 7 Without prejudice to the generality of section 1(1) of this...
- 8 (1) Building regulations may be made with respect to—
- 9 Building regulations may authorise local authorities, subject to and in...
- 10 Building regulations may— (a) provide for a provision thereof to...
- 11 (1) Building regulations may repeal or modify—

#### *Procedural requirements etc: general*

- 1A (1) Building regulations may make provision about the procedure that...

#### *Applications for building control approval*

- 1B (1) Building regulations may in particular make provision for and...

#### *Certificates: approved schemes*

- 1C (1) Building regulations may in particular make provision for and...

#### *Obtaining, keeping and giving information and documents*

- 1D (1) Building regulations may, in relation to any work, make...

#### *Reporting requirements: duty to establish and operate system*

- 1E (1) This paragraph applies where building regulations made by virtue...

#### *Form and content of documents etc*

- 1F (1) Where building regulations provide that any document must or...

#### *Inspection, testing etc*

- 1G (1) Building regulations may make provision for and in connection...

#### *Applications to building control authorities: extension of period by agreement*

- 1H Building regulations may provide that any prescribed period for the...

#### *Appeals*

- 1I (1) Building regulations may make provision for and in connection...

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*Appointed persons*

5A (1) Building regulations may require prescribed appointments to be made...

*General duties*

5B (1) Building regulations may, for the purpose of facilitating compliance...

*Competence requirements*

5C (1) Building regulations may, in relation to any work, impose...

SCHEDULE 2 — Relaxation of Building Regulations for Existing Work

*Application of schedule*

1 This Schedule applies to a direction under section 8 of...

*Cases where no direction may be given*

2 Neither the Secretary of State appropriate national authority nor a...

*Suspension of certain provisions while application pending*

3 (1) Subject to the following provisions of this Schedule, after...

4 Paragraph 3(1), (3) and (4) above do not apply to...

*Saving for criminal liability incurred before making of application*

5 The giving of a direction to which this Schedule applies...

*Termination of proceedings under section 36 on giving of direction*

6 If, before the giving of a direction to which this...

SCHEDULE 3 — Inner London

Part I — APPLICATION OF PART I OF THIS ACT

- 1 Application to inner London.
- 2 Application of provisions by building regulations.
- 3 Repeal and modification of Acts.
- 4 Consultation.

Part II — APPLICATION OF PART III OF THIS ACT

- 5 Application to inner London.
- 6 Application to Temples.

Part III — BUILDING AND DRAINAGE OF BUILDINGS

7-9 Drainage of new building.

Part IV — BYELAWS

10 Byelaws about demolition.

11 .....

12 .....

13 Restriction of application of Part IV of Act.

Part V — ENFORCEMENT OF BUILDING REGULATIONS

14 .....

SCHEDULE 4 — Provisions Consequential Upon Public Body’s Notice

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*Duration of notice*

1 (1) A public body’s notice comes into force when it...

*Public body’s plans certificates*

2 (1) Where a public body— (a) is satisfied that plans...

*Public body’s final certificates*

3 (1) Where a public body is satisfied that any work...

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

4 (1) This paragraph applies where a public body’s notice ceases...

*Lapse of public body’s notice*

4A (1) This paragraph applies where— (a) on any day (“...

*Consultation*

5 Building regulations may make provision for requiring, in such circumstances...

SCHEDULE 5 — Transitional Provisions

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

1 After the date on which section 30 of this Act...

*The Clean Air Act 1956 and the Housing Act 1957*

2 .....

*Repeal and amendment of Acts etc.*

3 Any power that is exercisable by virtue of—

4 (1) Section 64(5) of the Act of 1936, in so...

5 Without prejudice to the power to make building regulations, the...

SCHEDULE 6 — Consequential Amendments

*The Restriction of Ribbon Development Act 1935*

1 .....

*The Public Health Act 1936*

2 In section 6(1) of the Public Health Act 1936, after...

3 In section 269(8)(i) of that Act, for “the building byelaws...

*The Atomic Energy Authority Act 1954*

4 In section 5(5) of the Atomic Energy Authority Act 1954,...

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*The Clean Air Act 1956*

5 .....

*The Housisng Act 1957*

6 .....

*The Radioactive Substances Act 1960*

7 .....

*The Public Health Act 1961*

8 In section 17(15) of the Public Health Act 1961 (as...

*The London Government Act 1963*

9 In paragraph 19 of Part I of Schedule 11 to...  
10 In paragraph 9(5) of Part II of Schedule 11 to...

*The Offices, Shops and Railway Premises Act 1963*

11 In section 9(6) of the Offices, Shops and Railway Premises...

*The Faculty Jurisdiction Measure 1964*

12 In section 2(4) of the Faculty Jurisdiction Measure 1964—

*The Fire Precautions Act 1971*

13 For section 30(3)(a) and (b) of the Fire Precautions Act...

*The Local Government Act 1972*

14 In section 181(2)(a) of the Local Government Act 1972, for...

*The Safety of Sports Grounds Act 1975*

15 In section 9(1)(c) of the Safety of Sports Grounds Act...

*The Local Land Charges Act 1975*

16 In section 1(1)(a) of the Local Land Charges Act 1975,...

*The Local Government (Miscellaneous Provisions) Act 1976*

17 In section 12(3) of the Local Government (Miscellaneous Provisions)  
Act...

*The Development of Rural Wales Act 1976*

18 .....

*The Interpretation Act 1978*

19 In Schedule 1 to the Interpretation Act 1978, in the...

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*The Highways Act 1980*

- 20 In section 168(1)(b) of the Highways Act 1980, for “section...
- 21 In section 223(1)(a) of that Act, for “section 66 of...

*New Towns Act 1981*

- 22 . . . . .

*The Public Health (Control of Disease) Act 1984*

- 23 There is added at the end of section 7(4) of...

SCHEDULE 7 — Repeals

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