



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

Breach of building regulations

35 ^[F1] **Penalty for contravening building regulations.**^[F1]**Offence of contravening building regulations etc]]**

- ^[F1](1) A person who contravenes a provision of building regulations, or a requirement imposed by virtue of any such provision, commits an offence.
- (2) Building regulations may provide that [subsection \(1\)](#) does not apply in relation to a prescribed provision of the regulations.
- (3) Building regulations may provide that, in relation to a prescribed provision of the regulations, it is a defence for a person charged with an offence under this section to prove such matters relating to the contravention as may be prescribed.
- (4) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding the maximum summary term for either-way offences or a fine (or both);
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);

and (in either case) is liable on summary conviction to a further fine not exceeding level 1 on the standard scale for each day on which the default continues after the initial conviction.]

Textual Amendments

- F1** S. 35 substituted (6.4.2023 for specified purposes except in relation to W.) by [Building Safety Act 2022 \(c. 30\), ss. 39\(2\), 170\(4\)\(b\)\(c\); S.I. 2023/362, reg. 3\(1\)\(r\)](#)

Status: Point in time view as at 06/04/2023.

Changes to legislation: Building Act 1984, Cross Heading: Breach of building regulations is up to date with all changes known to be in force on or before 23 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)

Modifications etc. (not altering text)

- C1** S. 35 excluded (1.4.2010) by [The Building \(Local Authority Charges\) Regulations 2010 \(S.I. 2010/404\)](#), regs. 1, **13**
- C2** S. 35 excluded by S.I. 2010/2214, reg. 47 (as substituted (W.) (8.6.2018) by [The Building Regulations c. \(Amendment\) \(Excepted Energy Buildings\) \(Wales\) Regulations 2018 \(S.I. 2018/558\)](#), regs. 1(2), **12** (with reg. 29))
- C3** S. 35 excluded by S.I. 2010/2214, reg. 47 (as substituted (W.) (1.11.2018) by [The Building \(Amendment\) \(Wales\) Regulations 2018 \(S.I. 2018/552\)](#), regs. 1(3), **4** (with reg. 6))

[^{F2}35A Time limit for prosecution for contravention of ^{F3}... building regulations

- (1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43), an information relating to [^{F4}an offence under section 35 above] may be tried by a magistrates' court if it is laid at any time—
 - (a) within the period of two years beginning with the day on which the offence was committed, and
 - (b) within the period of six months beginning with the relevant date.

^{F5}(2)

^{F6}(3)

- (4) In subsection (1)(b) above, “ the relevant date ” means the date on which evidence sufficient to justify the proceedings comes to the knowledge of the person commencing the proceedings.

- (5) In the case of proceedings commenced by a local authority—
 - (a) evidence is to be regarded for the purposes of subsection (4) above as sufficient to justify the proceedings if in the opinion of the proper officer or an authorised officer it is sufficient to justify the proceedings, and
 - (b) a certificate of the proper officer or, as the case may be, that authorised officer as to the date on which evidence which, in his opinion, was sufficient to justify the proceedings came to the knowledge of the person commencing the proceedings is to be conclusive evidence of that fact.

^{F7}(6)]

Textual Amendments

- F2** S. 35A inserted (21.8.2006) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), ss. **13(1)**, **28(1)**
- F3** Word in s. 35A repealed (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 317(2)(5), **325(1)**, **Sch. 16**; S.I. 2008/2358, art. 4(a)
- F4** Words in s. 35A(1) substituted (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. **317(3)(5)**, **325(1)**; S.I. 2008/2358, art. 4(a)
- F5** S. 35A(2) repealed (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 317(4)(5), **325(1)**, **Sch. 16**; S.I. 2008/2358, art. 4(a)
- F6** S. 35A(3) repealed (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 317(4)(5), **325(1)**, **Sch. 16**; S.I. 2008/2358, art. 4(a)
- F7** S. 35A(6) repealed (22.9.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 317(4)(5), **325(1)**, **Sch. 16**; S.I. 2008/2358, art. 4(a)

Status:

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