



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Exemption from building regulations*

### **3 Exemption of particular classes of buildings etc.**

- (1) Building regulations may exempt a prescribed class of buildings, services, fittings or equipment from all or any of the provisions of building regulations.
- (2) The Secretary of State may by direction exempt from all or any of the provisions of building regulations—
  - (a) a particular building, or
  - (b) buildings of a particular class at a particular location,either unconditionally or subject to compliance with any conditions specified in the direction.
- (3) A person who contravenes a condition specified in a direction given under subsection (2) above, or permits such a condition to be contravened, is liable on summary conviction to a fine not exceeding level 5 on the standard scale, and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted.

### **4 Exemption of educational buildings and buildings of statutory undertakers.**

- (1) Nothing in this Part of this Act with respect to building regulations, and nothing in any building regulations, applies in relation to—
  - (a) a building required for the purposes of a school or other educational establishment erected or to be erected according to
    - [<sup>F1</sup>(i) plans that have been approved by the Secretary of State,

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[<sup>F2</sup>(ii) particulars submitted and approved under regulations made under section 544 of the Education Act 1996,]

<sup>F3</sup>(iii) . . . . .

<sup>F4</sup>(iv) . . . . .]

(b) a building belonging to statutory undertakers, the United Kingdom Atomic Energy Authority . . . <sup>F5</sup> or the Civil Aviation Authority and held or used by them for the purposes of their undertaking, unless it is—

(i) a house, . . . <sup>F6</sup> or

(ii) a building used as offices or showrooms, and not forming part of a railway station <sup>F7</sup> . . . <sup>F8</sup> . . .

[<sup>F9</sup>or

(c) a building belonging to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) and held or used by the person for the purpose of carrying out activities authorised by the licence, unless it is—

(i) a house, or

(ii) a building used as offices or showrooms.]

(2) The words “the United Kingdom Atomic Energy Authority,” in subsection (1)(b) above (together with paragraph 4 of Schedule 6 to this Act) cease to have effect upon the coming into force of the repeal of section 5(5) of the <sup>M1</sup>Atomic Energy Authority Act 1954 contained in Schedule 7 to this Act.

#### Textual Amendments

- F1** S.4(1)(a)(i)-(iv) substituted (1.11.1996) by 1996 c. 56, s. 582(1), **Sch. 37 Pt. 1 para. 59** (with s. 1(4), **Sch. 39** paras. 30, 39)
- F2** S. 4(1)(a)(ii) substituted (6.11.2006 for E., 2.1.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 6** (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), **Sch. Pt. 1**
- F3** S. 4(1)(a)(iii) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1** (with art. 17)
- F4** S. 4(1)(a)(iv) repealed (1.4.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), **Sch. 1**
- F5** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F6** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F7** Words in s. 4(1)(b)(ii) omitted (10.11.2011) by virtue of The Airport Charges Regulations 2011 (S.I. 2011/2491), reg. 1(1), **Sch. 2 para. 3(2)**
- F8** Words repealed by Airports Act 1986 (c. 31, SIF 9), s. 83(5), **Sch. 6 Pt. I**
- F9** S. 4(1)(c) and word “or” immediately preceding it inserted (21.12.2001) by S.I. 2001/4050, art. 2, **Sch. Pt. II para. 7(a)**

#### Modifications etc. (not altering text)

- C1** S. 4 excluded by Channel Tunnel Act 1987 (c. 53, SIF 102), ss. 31(2), **Sch. 7 Pt. VI para. 2**
- C2** S. 4(1) excluded (1.10.2010) by The Building Regulations 2010 (S.I. 2010/2214), regs. 1, **34(1)** (with reg. 9)
- C3** S. 4(1) excluded by SI 2010/2214, reg. 34(1)(a) (as substituted (9.1.2013) by The Building Regulations &c. (Amendment) Regulations 2012 (S.I. 2012/3119), reg. 22, **Sch. 1** (with regs. 1(3)(4), 45-47))
- C4** S. 4(1)(b) applied with modifications by Airports Act 1986 (c. 31, SIF 9), s. 58, **Sch. 2 para. 6(a)**

#### Marginal Citations

- M1** 1954 c. 32.

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## **5 Exemption of public bodies from procedural requirements of building regulations.**

- (1) Building regulations may exempt—
  - (a) a local authority,
  - (b) a county council, or
  - (c) any other body that acts under an enactment for public purposes and not for its own profit and is prescribed for the purposes of this section,from compliance with any requirements of those regulations that are not substantive requirements.
- (2) A local authority, county council or other body that is exempted as mentioned in subsection (1) above is in subsection (3) below referred to as an “exempt body”.
- (3) Without prejudice to the obligation of an exempt body to comply with substantive requirements of building regulations, the function of enforcing building regulations that is conferred on local authorities by section 91(2) below is not exercisable in relation to work carried out by an exempt body, and accordingly—
  - (a) nothing in section 36(1) to (5) below applies in relation to work so carried out, and
  - (b) a local authority may not institute proceedings under section 35 below for a contravention of building regulations by an exempt body.
- (4) In subsection (3) above, the reference to the carrying out of work includes a reference to the making of a material change of use as defined by and for the purposes of building regulations.

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