



Building Act 1984

1984 CHAPTER 55

PART II **E+W**

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. **E+W**

(1) If—

- (a) a notice in the prescribed form (called an “initial notice”) is given jointly to a local authority by a person intending to carry out work and a person who is an approved inspector in relation to that work,
- (b) the initial notice is accompanied by such plans of the work as may be prescribed,
- (c) the initial notice is accompanied by such evidence as may be prescribed that an approved scheme applies, or the prescribed insurance cover has been or will be provided, in relation to the work, and
- (d) the initial notice is accepted by the local authority,

then, so long as the initial notice continues in force, the approved inspector by whom the notice was given shall undertake such functions as may be prescribed with respect to the inspection of plans of the work specified in the notice, the supervision of that work and the giving of certificates and other notices.

(2) A local authority to whom an initial notice is given—

- (a) may not reject the notice except on prescribed grounds, and
- (b) shall reject the notice if any of the prescribed grounds exists,

and, in a case where the work to which an initial notice relates is work of such a description that, if plans of it had been deposited with the local authority, the authority could, under any enactment, have imposed requirements as a condition of passing the plans, the local authority may impose the like requirements as a condition of accepting the initial notice.

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- (3) Unless, within the prescribed period, the local authority to whom an initial notice is given give notice of rejection, specifying the ground or grounds in question, to each of the persons by whom the initial notice was give, the authority is conclusively presumed to have accepted the initial notice and to have done so without imposing any such requirements as are referred to in subsection (2) above.
- (4) An initial notice—
- (a) comes into force when it is accepted by the local authority, either by notice given within the prescribed period to each of the persons by whom it was given or by virtue of subsection (3) above, and
 - (b) subject to section 51(3) below, continues in force until—
 - (i) it is cancelled by a notice under section 52 below, or
 - (ii) the occurrence of, or the expiry of a prescribed period of time beginning on the date of, such event as may be prescribed;
 and 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 paragraph (ii) above.
- (5) The form prescribed for an initial notice may be such as to require—
- (a) either or both of the persons by whom the notice is to be given to furnish information relevant for the purposes of this Act, Part II or IV of the ^{M1}Public Health Act 1936 or any provision of building regulations, and
 - (b) the approved inspector by whom the notice is to be given to enter into undertakings with respect to his performance of any of the functions referred to in subsection (1) above.
- (6) The Secretary of State may approve for the purposes of this section any scheme that appears to him to secure the provision of adequate insurance cover in relation to any work that is specified in an initial notice and is work to which the scheme applies.
- (7) Building regulations may prescribe for the purposes of this section the insurance cover that is to be provided in relation to any work that is specified in an initial notice and is not work to which an approved scheme applies and may, in particular, prescribe the form and content of policies of insurance.

Modifications etc. (not altering text)

C1 [S.47](#) excluded (21.7.1994) by 1994 c. XV, s. 58(9)

Marginal Citations

M1 [1936 c. 49](#).

48 **Effect of initial notice.** **E+W**

- (1) So long as an initial notice continues in force, the function of enforcing building regulations that is conferred on a local authority by section 91(2) below is not exercisable in relation to the work specified in the notice, and accordingly—
- (a) a local authority may not give a notice under section 36(1) above in relation to the work so specified, and

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- (b) a local authority may not institute proceedings under section 35 above for a contravention of building regulations that arises out of the carrying out of the work so specified.
- (2) For the purposes of the enactments specified in subsection (3) below—
- (a) the giving of an initial notice accompanied by such plans as are referred to in section 47(1)(b) above shall be treated as the deposit of plans,
 - (b) the plans accompanying an initial notice shall be treated as the deposited plans,
 - (c) the acceptance or rejection of an initial notice shall be treated as the passing or, as the case may be, the rejection of plans, and
 - (d) the cancellation of an initial notice under section 52(5) below shall be treated as a declaration under section 32 above that the deposit of plans is of no effect.
- (3) The enactments referred to in subsection (2) above are—
- (a) section 36(2) above,
 - (b) section 36(5) above, in so far as it relates to a notice under section 36(2) above and to non-compliance with any such requirement as is referred to in that subsection,
 - (c) section 36(6) above, in so far as it relates to a contravention of this Act,
 - (d) section 18(2) above, and
 - (e) sections 219 to 225 of the ^{M2}Highways Act 1980 (the advance payments code).
- (4) For the purposes of [^{F1}section 9D and]section 13 of the ^{M3}Fire Precautions Act 1971 (exercise of fire authority's powers where provisions of building regulations as to means of escape apply)—
- (a) the acceptance by a local authority of an initial notice relating to any work shall be treated as the deposit of plans of the work with the authority in accordance with building regulations, and
 - (b) the references in [^{F2}subsection 4(b) of section 9D and]subsections (1)(ii) and (3)(b) of [^{F2}section 13] to matters or circumstances of which particulars are not or were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans shall be construed as a reference to matters or circumstances of which particulars would not be or, as the case may be, would not have been required to be so supplied if plans were to be or had been deposited with the authority in accordance with building regulations.

Textual Amendments

- F1** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 45A\), s. 7\(4\)\(a\)](#)
- F2** Words inserted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 45A\), s. 7\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C2** [S. 48\(2\)](#) amended by [Midland Metro Act 1989 \(c. xv\), s. 45\(10\)](#)[S. 48\(2\)](#) extended (27.7.1993) by [1993 c. xv, s. 55\(10\)](#)[S. 48\(2\)](#) applied with modifications (21.7.1994) by [1994 c. XV, s. 58\(10\)](#)

Marginal Citations

- M2** [1980 c. 66.](#)
- M3** [1971 c. 40.](#)

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49 Approved inspectors. E+W

- (1) In this Act, “approved inspector” means a person who, in accordance with building regulations, is approved for the purposes of this Part of this Act—
 - (a) by the Secretary of State, or
 - (b) by a body (corporate or unincorporated) that, in accordance with the regulations, is designated by the Secretary of State for the purpose.
- (2) Any such approval as is referred to in subsection (1) above may limit the description of work in relation to which the person concerned is an approved inspector.
- (3) Any such designation as is referred to in subsection (1)(b) above may limit the cases in which and the terms on which the body designated may approve a person and, in particular, may provide that any approval given by the body shall be limited as mentioned in subsection (2) above.
- (4) There shall be paid on an application for any such approval as is referred to in subsection (1) above—
 - (a) where the application is made to the Secretary of State, such fee as may be prescribed,
 - (b) where the application is made to a body designated by him as mentioned in that subsection, such fee as that body may determine.
- (5) Building regulations may—
 - (a) contain provision prescribing the period for which, subject to any provision made by virtue of paragraph (b) or (c) below, any such approval as is referred to in subsection (1) above continues in force,
 - (b) contain provision precluding the giving of, or requiring the withdrawal of, any such approval as is referred to in subsection (1) above in such circumstances as may be prescribed,
 - (c) contain provision authorising the withdrawal of any such approval or designation as is referred to in subsection (1) above,
 - (d) provide for the maintenance—
 - (i) by the Secretary of State of a list of bodies that are for the time being designated by him as mentioned in subsection (1) above, and
 - (ii) by the Secretary of State and by each designated body of a list of persons for the time being approved by him or them as mentioned in that subsection,
 - (e) make provision for the supply to local authorities of copies of any list of approved inspectors maintained by virtue of paragraph (d) above and for such copy lists to be made available for inspection, and
 - (f) make provision for the supply, on payment of a prescribed fee, of a certified copy of any entry in a list maintained by virtue of paragraph (d) above or in a copy list held by a local authority by virtue of paragraph (e) above.
- (6) Unless the contrary is proved, in any proceedings (whether civil or criminal) a document that appears to the court to be a certified copy of an entry either in a list maintained as mentioned in subsection (5)(d) above or in a copy of such a list supplied as mentioned in subsection (5)(e) above—
 - (a) is presumed to be a true copy of an entry in the current list so maintained, and
 - (b) is evidence of the matters stated in it.

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- (7) An approved inspector may make such charges in respect of the carrying out of the functions referred to in section 47(1) above as may in any particular case be agreed between him and the person who intends to carry out the work in question or, as the case may be, by whom that work is being or has been carried out.
- (8) Nothing in this Part of this Act prevents an approved inspector from arranging for plans or work to be inspected on his behalf by another person; but such a delegation—
- (a) shall not extend to the giving of a certificate under section 50 or 51 below, and
 - (b) shall not affect any liability, whether civil or criminal, of the approved inspector which arises out of functions conferred on him by this Part of this Act or by building regulations,

and, without prejudice to the generality of paragraph (b) above, an approved inspector is liable for negligence on the part of a person carrying out an inspection on his behalf in like manner as if it were negligence by a servant of his acting in the course of his employment.

50 Plans certificates. **E+W**

- (1) Where an approved inspector—
- (a) has inspected plans of the work specified in an initial notice given by him.
 - (b) is satisfied that the plans neither are defective nor show that work carried out in accordance with them would contravene any provision of building regulations, and
 - (c) has complied with any prescribed requirements as to consultation or otherwise,
- he shall, if requested to do so by the person intending to carry out the work, give a certificate in the prescribed form (called a “plans certificate”) to the local authority and to that person.
- (2) If any question arises under subsection (1) above between an approved inspector and a person who proposes to carry out any work whether plans of the work are in conformity with building regulations, that person may refer the question to the Secretary of State for his determination.
- (3) An application for a reference under subsection (2) above shall be accompanied by such fee as may be prescribed.
- (4) Building regulations may authorise the giving of an initial notice combined with a certificate under subsection (1) above, 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 Part of this Act to an initial notice or to a plans certificate includes a reference to that form, but
 - (b) should the form cease to be in force as an initial notice by virtue of section 47(4) above, nothing in that subsection affects the continuing validity of the form as a plans certificate.
- (5) A plans certificate—
- (a) may relate either to the whole or to part only of the work specified in the initial notice concerned, and
 - (b) does not have effect unless it is accepted by the local authority to whom it is given.

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- (6) A local authority to whom a 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.
- (7) Unless, within the prescribed period, the local authority to whom a plans certificate is given give notice of rejection, specifying the ground or grounds in question, to—
 - (a) the approved inspector by whom the certificate was given, and
 - (b) the other person to whom the approved inspector gave the certificate,
 the authority shall be conclusively presumed to have accepted the certificate.
- (8) If it appears to a local authority by whom a 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—
 - (a) to the approved inspector by whom the certificate was given, and
 - (b) to the person shown in the initial notice concerned as the person intending to carry out the work.

51 Final certificates. E+W

- (1) Where an approved inspector is satisfied that any work specified in an initial notice given by him has been completed, he shall give—
 - (a) to the local authority by whom the initial notice was accepted, and
 - (b) to the person by whom the work was carried out,
 such certificate with respect to the completion of the work and the discharge of his functions as may be prescribed (called a “final certificate”).
- (2) Section 50(5) to (7) above has effect in relation to a final certificate as if any reference in those subsections to a plans certificate were a reference to a final certificate.
- (3) Where a final certificate—
 - (a) has been given with respect to any of the work specified in an initial notice, and
 - (b) has been accepted by the local authority concerned,
 the initial notice ceases to apply to that work, but section 48(1) above continues to apply, by virtue of this subsection, in relation to that work as if the initial notice continued in force in relation to it.

51A Variation of work to which initial notice relates. E+W

- (1) This section applies where it is proposed that the work to which an initial notice relates should be varied.
- (2) If—
 - (a) a notice in the prescribed form (called an “amendment notice”)—
 - (i) is given to the local authority by whom the initial notice was accepted, and
 - (ii) is jointly given by the approved inspector who gave the initial notice and by the person shown in the amendment notice as the person intending to carry out the relevant work,

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- (b) the amendment notice is accompanied by such plans of the proposed variation as may be prescribed,
 - (c) the amendment notice is accompanied by such evidence as may be prescribed that—
 - (i) a scheme approved for the purposes of section 47 above applies, or
 - (ii) the insurance cover prescribed for those purposes has been, or will be provided, in relation to the relevant work, and
 - (d) the amendment notice—
 - (i) is accepted by the local authority giving notice of acceptance within the prescribed period to each of the persons by whom the amendment notice was given, or
 - (ii) is deemed to have been accepted by the local authority by virtue of subsection (5) below,
the work to which the initial notice relates shall be treated as varied as proposed in the amendment notice.
- (3) A local authority to whom an amendment notice is given—
- (a) may not reject the notice except on prescribed grounds, and—
 - (b) shall reject the notice if any of the prescribed grounds exists.
- (4) Where the relevant work is of such a description that, if plans of it had been deposited with the local authority, the authority could, under any enactment, have imposed requirements as a condition of passing the plans, the local authority may impose the like requirements as a condition of accepting the amendment notice.
- (5) Unless, within the prescribed period, the local authority to whom an amendment notice is given give notice of rejection, specifying the ground or grounds in question, to each of the persons by whom the notice was given, the authority is conclusively presumed to have accepted it and to have done so without imposing any such requirements as are referred to in subsection (4) above.
- (6) Section 47(5) shall apply in relation to the form prescribed for an amendment notice as it applies in relation to the form prescribed for an initial notice.
- (7) In this section, references to the relevant work are to the work to which the initial notice, as proposed to be varied, relates.

VALID FROM 14/10/1996

[^{F4}51B Effect of amendment notice E+W

- (1) For the purposes of the enactments specified in section 48(3) above—
- (a) the giving of an amendment notice accompanied by such plans as are referred to in section 51A(2)(b) above shall be treated as the deposit of plans,
 - (b) the acceptance or rejection of an amendment notice shall be treated as the passing, or, as the case may be, the rejection of plans,
 - (c) where an initial notice is varied by an amendment notice, the deposited plans shall be treated—
 - (i) as including the plans accompanying the amendment notice, and

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- (ii) as excluding such of the plans previously treated as the deposited plans as are superseded by the plans accompanying the amendment notice, and
 - (d) where an initial notice has been varied by an amendment notice, the cancellation of the initial notice under section 52(5) below shall be treated as a declaration under section 32 above that the deposit of plans constituted by the giving of the amendment notice is of no effect.
- (2) For the purposes of sections 9D and 13 of the Fire Precautions Act 1971 (exercise of fire authority's powers where provisions of building regulations as to means of escape apply), the acceptance by a local authority of an amendment notice relating to any work shall be treated as the deposit of plans of the work with the authority in accordance with building regulations.]

Textual Amendments

F4 Ss. 51A, 51B, 51C inserted (14.10.1996) by [S.I. 1996/1905](#), [art.2](#)

VALID FROM 14/10/1996

[^{F5}51C Change of person intending to carry out work **E+W**

- (1) This section applies where it is proposed that the work to which an initial notice relates should be carried out by a different person.
- (2) If—
- (a) the approved inspector who gave the initial notice, and
 - (b) the person who now proposes to carry out the work to which the initial notice relates,
- jointly give written notice of the proposal to the local authority by whom the initial notice was accepted, the initial notice shall be treated as showing as the person intending to carry out the work to which it relates the person mentioned in the notice under this section.]

Textual Amendments

F5 Ss. 51A, 51B, 51C inserted (14.10.1996) by [S.I. 1996/1905](#), [art.2](#)

52 Cancellation of initial notice. **E+W**

- (1) If, at a time when an initial notice is in force—
- (a) the approved inspector becomes or expects to become unable to carry out (or to continue to carry out) his functions with respect to any of the work specified in the initial notice,
 - (b) the approved inspector is of the opinion that any of the work is being so carried out that he is unable adequately to carry out his functions with respect to it, or

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- (c) the approved inspector is of the opinion that there is a contravention of any provision of building regulations with respect to any of that work and the circumstances are as mentioned in subsection (2) below,
the approved inspector shall cancel the initial notice by notice in the prescribed form given to the local authority concerned and to the person carrying out or intending to carry out the work.
- (2) The circumstances referred to in subsection (1)(c) above are—
- (a) that the approved inspector has, in accordance with building regulations, given notice of the contravention to the person carrying out the work, and
- (b) that, within the prescribed period, that person has neither pulled down nor removed the work nor effected such alterations in it as may be necessary to make it comply with building regulations.
- (3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work specified in the notice that the approved inspector is no longer willing or able to carry out his functions with respect to any of that work, he shall cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the approved inspector.
- (4) If a person fails without reasonable excuse to give to a local authority a notice that he is required to give by subsection (3) above, he is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) If, at a time when an initial notice is in force, it appears to the local authority by whom the initial notice was accepted that the work to which the initial notice relates has not been commenced within the period of three years beginning on the date on which the initial notice was accepted, the authority may cancel the initial notice by notice in the prescribed form given
- (a) to the approved inspector by whom the initial notice was given, and
- (b) to the person shown in the initial notice as the person intending to carry out the work.
- (6) A notice under subsection (1), (3)
or (5) above has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.

53 Effect of initial notice ceasing to be in force. E+W

- (1) This section applies where an initial notice ceases to be in force by virtue of section 47(4)(b)(i) or (ii) above.
- (2) Building regulations may provide that, if—
- (a) a plans certificate was given before the day on which the initial notice ceases to be in force,
- (b) that certificate was accepted by the local authority (before, on or after that day), and
- (c) before that day, that acceptance was not rescinded by a notice under section 50(8) 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) above as may be prescribed for the purposes

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of this subsection either are not exercisable or are exercisable only in prescribed circumstances.

- (3) If, before the day on which the initial notice ceased to be in force, a final certificate—
 - (a) was given in respect of part of the work specified in the initial notice, and
 - (b) was accepted by the local authority (before, on or after that day),the fact that the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) above in relation to that part of the work.
- (4) Notwithstanding anything in subsections (2) and (3) above, for the purpose of enabling the local authority to perform the functions referred to in section 48(1) above in relation to any part of the work not specified in a 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.
- (5) In any case where this section applies, the reference in subsection (4) of section 36 above 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 initial notice ceased to be in force.
- (6) Subject to any provision of building regulations made by virtue of subsection (2) above, if, before the initial notice ceased to be in force, an offence under section 35 above was committed with respect to any of the work specified in that notice, proceedings for that offence may be commenced by the local authority at any time within six months beginning with the day on which the function of the local authority referred to in section 48(1) above became exercisable with respect to the provision of building regulations to which the offence relates.
- (7) The fact that an initial notice has ceased to be in force does not affect the right to give a new initial notice relating to any of the work that was specified in the original notice and in respect of which no final certificate has been given and accepted; but where—
 - (a) a plans certificate has been given in respect of any of that work,
 - (b) the conditions in paragraphs (a) to (c) of subsection (2) above are fulfilled with respect to that certificate, and
 - (c) such a new initial notice is given and accepted,section 50(1) above does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

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