



# Building Act 1984

## 1984 CHAPTER 55

### PART II

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

#### *Supplementary*

#### 55 Appeals.

- (1) A person aggrieved by the local authority's rejection of—
  - (a) an initial notice [<sup>F1</sup>, amendment notice] or a public body's notice, or
  - (b) a plans certificate, a final certificate, a public body's plans certificate or a public body's final certificate,may appeal to a magistrates' court <sup>F2</sup>....
- (2) On an appeal under subsection (1) above, the court shall—
  - (a) if it determines that the notice or certificate was properly rejected, confirm the rejection, and
  - (b) in any other case, give a direction to the local authority to accept the notice or certificate.
- (3) Where a person is aggrieved by a determination, confirmation, direction or other decision of a magistrates' court under this section, he may appeal to the Crown Court.

#### Textual Amendments

**F1** Words in s. 55(1)(a) inserted (14.10.1996) by S.I. 1996/1905, art. 3(8)

**F2** Words in s. 55(1) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 280, Sch. 10; S.I. 2005/910, art. 3(y)

*Status: Point in time view as at 01/04/2005.*

*Changes to legislation: Building Act 1984, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 02 July 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)*

## 56 Recording and furnishing of information.

- (1) Every local authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to initial notices [<sup>F3</sup>amendment notices, notices under section 51C above,], public body's notices and certificates given to them, including information [<sup>F4</sup>(where applicable)] as to whether such notices or certificates have been accepted or rejected.
- (2) The information that may be prescribed under subsection (1) above with respect to an initial notice [<sup>F5</sup>or amendment notice] includes information about the insurance cover provided with respect to the work to which the <sup>F6</sup> . . . notice relates.
- (3) The reference in subsection (1) above to certificates is a reference to plans certificates, final certificates, public body's final certificates and certificates given under section 16(9) above.
- (4) Every register kept under this section shall be available for inspection by the public at all reasonable hours.
- (5) Where an initial notice or a public body's notice has continued in force for any period, the local authority by whom it was accepted may require the approved inspector or public body by whom it was given to furnish them with any information that—
  - (a) they would have obtained themselves if during that period their function of enforcing building regulations had continued to be exercisable in relation to the work [<sup>F7</sup>to which the notice relates], and
  - (b) they require for the purpose of performing their duty under section 230 of the <sup>M1</sup>Local Government Act 1972 (reports and returns),
 and that section shall have effect as if during that period that function had continued to be so exercisable.

### Textual Amendments

- F3** Words in S. 56(1) inserted (14.10.1996) by S.I. 1996/1905, art. 3(9)(a)(i)  
**F4** Words in s. 56(1) inserted (14.10.1996) by S.I. 1996/1905, art. 3(9)(ii)  
**F5** Words in s. 56(2) inserted (14.10.1996) by S.I. 1996/1905, art. 3(9)(b)  
**F6** Word in s. 56(2) repealed (14.10.1996) by S.I. 1996/1905, art. 3(9)(b)(ii)  
**F7** Words in s. 56(5)(a) substituted (14.10.1996) by S.I. 1996/1905, art. 3(9)(c)

### Marginal Citations

- M1** 1972 c. 70.

## 57 Offences.

- (1) If a person—
  - (a) gives a notice or certificate that—
    - (i) purports to comply with the requirements of this Part of this Act or, as the case may be, of section 16(9) above, and
    - (ii) contains a statement that he knows to be false or misleading in a material particular, or
  - (b) recklessly gives a notice or certificate that—
    - (i) purports to comply with those requirements, and
    - (ii) contains a statement that is false or misleading in a material particular,

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he is guilty of an offence.

- (2) A person guilty of an offence under subsection (1) above is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months or both, and
  - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (3) Where an approved inspector or person approved for the purposes of section 16(9) above is convicted of an offence under this section, the court by or before which he is convicted shall, within one month of the date of conviction, forward a certificate of the conviction to the person by whom the approval was given.

## 58 Construction of Part II.

- (1) In this Part of this Act—
  - [<sup>F8</sup> ‘amendment notice’ has the meaning given by section 51A(2) above;]
  - “final certificate” has the meaning given by section 51(1) above;
  - “initial notice” has the meaning given by section 47(1) above;
  - “plans certificate” has the meaning given by section 50(1) above;
  - “public body” and “public body’s notice” have the meanings given by section 54(1) above;
  - “public body’s final certificate” has the meaning given by paragraph 3 of Schedule 4 to this Act;
  - “public body’s plans certificate” has the meaning given by paragraph 2 of Schedule 4 to this Act.
- (2) A reference in this part of this Act 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.
- (3) A reference in this Part of this Act to an initial notice given by an approved inspector is a reference to a notice given by him jointly with another person as mentioned in section 47(1)(a) above.

### Textual Amendments

**F8** Words in s. 58(1) inserted (14.10.1996) by S.I. 1996/1905, art. 3(10)

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