



# Building Act 1984

## 1984 CHAPTER 55

### PART IV

#### GENERAL

##### *Interpretation*

#### **121 Meaning of “building ”**

- (1) The word “building ”, for the purposes of—
- (a) Part I of this Act, and
  - (b) any other enactment (whether or not contained in this Act) that relates to building regulations, or that mentions “buildings ” or “a building ” in a context from which it appears that those expressions are there intended to have the same meaning as in Part I of this Act,
- means any permanent or temporary building, and, unless the context otherwise requires, it includes any other structure or erection of whatever kind or nature (whether permanent or temporary).
- (2) In subsection (1) above, “structure or erection ” includes a vehicle, vessel, hovercraft, aircraft or other movable object of any kind in such circumstances as may be prescribed (being circumstances that in the opinion of the Secretary of State justify treating it for those purposes as a building).
- (3) For the purposes mentioned in subsection (1) above, unless the context otherwise requires—
- (a) a reference to a building includes a reference to part of a building, and
  - (b) a reference to the provision of services, fittings and equipment in or in connection with buildings, or to services, fittings and equipment so provided, includes a reference to the affixing of things to buildings or, as the case may be, to things so affixed.

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## **122 Meaning of “building regulations”**

In this Act—

- (a) “building regulations” means, subject to paragraph (b) below, regulations made under section 1 above ;
- (b) a reference to building regulations, in a particular case in relation to which a requirement of building regulations is for the time being dispensed with, waived, relaxed or modified by virtue of section 8 or 11 above or any other enactment, is a reference to building regulations as they apply in that case, unless the context otherwise requires.

## **123 Meaning of “construct” and “erect”**

(1) For the purposes of—

- (a) Part I of this Act, and
- (b) any other enactment (whether or not contained in this Act) that relates to building regulations, or that mentions “buildings” or “a building” in a context from which it appears that those expressions are there intended to have the same meaning as in the said Part I,

references to the construction or erection of a building include references to—

- (i) the carrying out of such operations (whether for the reconstruction of a building, the roofing over of an open space between walls or buildings, or otherwise) as may be designated in building regulations as operations falling to be treated for those purposes as the construction or erection of a building, and
- (ii) the conversion of a movable object into what is by virtue of section 121(1) and (2) above a building,

and “construct” and “erect” shall be construed accordingly.

(2) For the purposes of Part III of this Act, each of the following operations is deemed to be the erection of a building—

- (a) the re-erection of a building or part of a building when an outer wall of that building or, as the case may be, that part of a building has been pulled down, or burnt down, to within 10 feet of the surface of the ground adjoining the lowest storey of the building or of that part of the building,
- (b) the re-erection of a frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building,
- (c) the roofing over of an open space between walls or buildings,

and “erect” shall be construed accordingly.

## **124 Meaning of deposit of plans**

In this Act, a reference to the deposit of plans in accordance with building regulations is a reference to the deposit of plans in accordance with building regulations for the purposes of section 16 above, unless the context otherwise requires.

## **125 Construction and availability of sewers**

- (1) A reference in Part I of this Act to the construction of a sewer includes a reference to the extension of an existing sewer.
- (2) For the purposes of sections 64(2) and 66(1) above, a building or proposed building—
  - (a) is not deemed to have a sufficient water supply available unless—
    - (i) it has a sufficient supply of water laid on, or
    - (ii) such a supply can be laid on to it from a point within 100 feet of the site of the building or proposed building, and the intervening land is land through which the owner of the building or proposed building is, or will be, entitled to lay a communication pipe, and
  - (b) is not deemed to have a sewer available unless—
    - (i) there is within 100 feet of the site of the building or proposed building, and at a level that makes it reasonably practicable to construct a drain to communicate with it, a public sewer or other sewer that the owner of the building or proposed building is, or will be, entitled to use, and
    - (ii) the intervening land is land through which he is entitled to construct a drain.
- (3) The limit of 100 feet does not apply, for the purposes of subsection (2) above, if the local authority undertake to bear so much of the expenses reasonably incurred in—
  - (a) constructing, and maintaining and repairing, a drain to communicate with a sewer, or
  - (b) laying, and maintaining and repairing, a pipe for the purpose of obtaining a supply of water,as the case may be, as is attributable to the fact that the distance of the sewer, or of the point from which a supply of water can be laid on, exceeds 100 feet.

## **126 General interpretation**

In this Act, unless the context otherwise requires—

- “Act” includes an enactment contained in a local Act;
- “approved inspector” has the meaning given by section 49(1) above;
- “authorised officer”, in relation to a local authority, means—
  - (a) an officer of the local authority authorised by them in writing, either generally or specially, to act in matters of a specified kind or in a specified matter, or
  - (b) by virtue of his appointment and for the purpose of matters within his province, a proper officer of the local authority or a district surveyor;
- “cesspool ” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings ;
- “closet” includes privy ;
- “contravention” includes failure to comply, and “contravene ” has a corresponding meaning;
- “district surveyor ” has the meaning given by section 4 of the London Building Acts (Amendment) Act 1939;
- “drain ” means a drain used for the drainage of one building or of buildings or yards appurtenant to buildings within the same curtilage, and includes any manholes, ventilating shafts, pumps or other accessories belonging to the drain;

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“earth-closet ” means a closet having a movable receptacle for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods;

“enactment” includes an enactment contained in a local Act;

“factory ” has the meaning given by section 175 of the Factories Act 1961 ;

“fire authority ” has the meaning given by section 43(1) of the Fire Precautions Act 1971 ;

“functions ” includes powers and duties ;

“highway authority ” means, in the case of a highway repairable by the inhabitants at large, the council in whom the highway is vested ;

“house ” means a dwelling-house, whether a private dwelling-house or not;

“inner London” means the area comprising the inner London boroughs, the City of London, the Inner Temple and the Middle Temple ;

“joint board ” has the meaning given by section 343(1) of the Public Health Act 1936 ;

“limits of supply ”, in relation to statutory water undertakers, means the limits within which they are for the time being authorised by or under an Act to supply water;

“local Act” includes a provisional order confirmed by Parliament, and the confirming Act so far as it relates to that order;

“local authority ” means—

- (a) for the purposes of Parts I and II above, and of this Part so far as it relates to them—
  - (i) a district council,
  - (ii) the Greater London Council,
  - (iii) a London borough council,
  - (iv) the Common Council of the City of London,
  - (v) the Sub-Treasurer of the Inner Temple, or
  - (vi) the Under Treasurer of the Middle Temple, and includes the Council of the Isles of Scilly,
- (b) for the purposes of Part III above, and of this Part so far as it relates to it—
  - (i) a district council,
  - (ii) a London borough council,
  - (iii) the Common Council of the City of London,
  - (iv) the Sub-Treasurer of the Inner Temple, or
  - (v) the Under-Treasurer of the Middle Temple:

“modifications ” includes additions, omissions and amendments, and related expressions shall be construed accordingly;

“officer ” includes servant;

“owner” means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for another person, or who would so receive it if those premises were let at a rackrent;

“plans ” includes drawings of any other description, and also specifications or other information in any form;

“prejudicial to health ” means injurious, or likely to cause injury, to health;

“premises ” includes buildings, land, easements and hereditaments of any tenure;

- “prescribed ” means prescribed by building regulations ;
- “private sewer ” means a sewer that is not a public sewer ;
- “proper officer ”, in relation to a purpose and to a local authority, means an officer appointed for that purpose by that authority;
- “public sewer ” has the meaning given by section 20 of the Public Health Act 1936 ;
- “rackrent”, in relation to property, means a rent that is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and deducting from it the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the property in a state to command such rent;
- “rating district” has the meaning given by section 115(1) of the General Rate Act 1967 ;
- “relevant period ” has the meaning given by section 16(12) or 81(4) above, as the case may require ;
- “sanitary convenience ” means closet or urinal;
- “school” includes a Sunday school or a Sabbath school;
- “sewer ” does not include a drain as defined in this section, but otherwise it includes all sewers and drains used for the drainage of buildings and yards appurtenant to buildings, and any manholes, ventilating shafts, pumps or other accessories belonging to the sewer;
- “standard scale ” has the meaning given by section 75 of the Criminal Justice Act 1982 ;
- “statutory maximum” has the meaning given by section 74 of the Criminal Justice Act 1982 ;
- “statutory undertakers ” means persons authorised by an enactment or statutory order to construct, work or carry on a railway, canal, inland navigation, dock harbour, tramway, gas, electricity, water or other public undertaking;
- “statutory water undertakers” means water undertakers who are a company, board, committee or person empowered by or under an Act to supply water;
- “street” includes a highway, including a highway over a bridge, and a road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
- “substantive requirements ”, in relation to building regulations, means the requirements of building regulations with respect to the design and construction of buildings and the provision of services, fittings and equipment in or in connection with buildings (including requirements imposed by virtue of section 2(1) or (2)(a) Or (b) above), as distinct from procedural requirements;
- “surface water ” includes water from roofs;
- “water-closet” means a closet that has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;
- “workplace ” does not include a factory, but otherwise it includes any place in which persons are employed otherwise than in domestic service.

## 127 Construction of certain references concerning Temples

In relation to the Inner Temple and the Middle Temple, a reference in a provision of this Part of this Act to the proper officer or an officer or authorised officer of a local

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authority is a reference to an officer authorised by the Sub-Treasurer or the Under Treasurer, as the case may be, to act for the purposes of that provision.