

Status: Point in time view as at 24/11/2005.

Changes to legislation: Building Act 1984, SCHEDULE 1 is up to date with all changes known to be in force on or before 07 September 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)

SCHEDULES

SCHEDULE 1

Section 1(3).

BUILDING REGULATIONS

- 1 Building regulations may—
 - (a) provide for particular requirements of the regulations to be deemed to be complied with where prescribed methods of construction, prescribed types of materials or other prescribed means are used in or in connection with buildings
 - (b) be framed to any extent by reference to a document published by or on behalf of the Secretary of State or another person or a body, or by reference to the approval or satisfaction of a prescribed person or body.
- 2 Building regulations may include provision as to—
 - (a) the giving of notices,
 - (b) the deposit of plans of proposed work or work already executed (including provision as to the number of copies to be deposited),
 - (c) the retention by local authorities of copies of plans deposited with them in accordance with the regulations,
 - (d) the inspection and testing of work,
 - (e) the taking of samples.
- 3 Building regulations may provide for requiring local authorities and approved inspectors in prescribed circumstances to consult a prescribed person before taking a prescribed step in connection with any work or other matter to which building regulations are applicable.
- 4 Building regulations may—
 - (a) authorise local authorities to accept, as evidence that the requirements of building regulations as to matters of a prescribed description are or would be satisfied, certificates to that effect by persons of a class or description prescribed in relation to those matters or by a person nominated in writing by the Secretary of State in a particular case,
 - (b) provide for the issue by local authorities of certificates to the effect that, so far as the authority concerned have been able to ascertain after taking all reasonable steps in that behalf, the requirements of building regulations as to matters of a prescribed description are satisfied in a particular case, and for such certificates to be evidence (but not conclusive evidence) of compliance with the regulations,
 - (c) make provision—
 - (i) for prohibiting, in prescribed circumstances, the carrying out of proposed work of a prescribed class involving matters of a prescribed description unless there has been deposited with the prescribed authority as regards those matters a certificate such as is mentioned in sub-paragraph (a) above,

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- (ii) for enabling, in cases where such a certificate is required by virtue of paragraph (i) above, a dispute as to whether a certificate ought to be issued to be referred to the Secretary of State,
 - (iii) for enabling the Secretary of State, on such a reference, to give such directions as he thinks fit.
- 5 (1) Building regulations may authorise local authorities to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations.
- (2) The Secretary of State may by order repeal this paragraph.
- 6 Building regulations may make a prescribed person or class of persons responsible (instead of local authorities) for performing prescribed functions of local authorities under or in connection with building regulations, and for that purpose may provide for a prescribed enactment relating to building regulations and a prescribed provision of such regulations to apply (with any prescribed modifications) in relation to a prescribed person or a person of a prescribed class as that enactment or provision applies in relation to a local authority.
- 7 Without prejudice to the generality of section 1(1) of this Act, building regulations may—
- (a) for any of the purposes mentioned in section 1(1) of this Act, make provision with respect to any of the following matters—
 - (i) preparation of sites,
 - (ii) suitability, durability [^{F1}, use and re-use] of materials and components (including surface finishes),
 - (iii) structural strength and stability, including—
 - (a) precautions against overloading, impact and explosion,
 - (b) measures to safeguard adjacent buildings and services,
 - (c) underpinning,
 - (iv) fire precautions, including—
 - (a) structural measures to resist the outbreak and spread of fire and to mitigate its effects,
 - (b) services, fittings and equipment designed to mitigate the effects of fire or to facilitate fire-fighting,
 - (c) means of escape in case of fire and means for securing that such means of escape can be safely and effectively used at all material times,
 - (v) resistance to moisture and decay,
 - (vi) measures affecting the transmission of heat,
 - (vii) measures affecting the transmission of sound,
 - (viii) measures to prevent infestation,
 - (ix) measures affecting the emission of smoke, gases, [^{F2}vapours,] fumes, grit or dust or other noxious or offensive substances,
 - (x) drainage (including waste disposal units),
 - (xi) cesspools and other means for the reception, treatment or disposal of foul matter,
 - (xii) storage, treatment and removal of waste,

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- (xiii) installations utilising solid fuel, oil, gas, electricity or any other fuel or power (including appliances, storage tanks, heat exchangers, ducts, fans and other equipment),
- (xiv) water services (including wells and bore-holes for the supply of water) and fittings and fixed equipment associated therewith [^{F3}(including equipment for monitoring and measuring supplies of water)],
- (xv) telecommunications services (including telephones and radio and television wiring installations),
- (xvi) lifts, escalators, hoists, conveyors and moving footways,
- (xvii) plant providing air under pressure,
- (xviii) standards of heating, artificial lighting, mechanical ventilation and air-conditioning and provision of power outlets,
- (xix) open space about buildings and the natural lighting and ventilation of buildings,
- (xx) accommodation for specific purposes in or in connection with buildings, and the dimensions of rooms and other spaces within buildings,
- (xxi) means of access to and egress from buildings and parts of buildings
- (xxii) prevention of danger and obstruction to persons in and about buildings (including passers-by),
- [^{F4}(xxiia) measures relating to the security of buildings,
- (xxiib) measures affecting the use of fuel or power,
- (xxiic) equipment for monitoring and measuring supplies of fuel, power or heat,
- (xxiid) recycling facilities (including facilities for composting),]
- (xxiii) matters connected with or ancillary to any of the foregoing matters,
- (b) require things to be provided or done in connection with buildings (as well as regulating the provision or doing of things in connection with buildings),
- (c) prescribe the manner in which work is to be carried out.

Textual Amendments

- F1** Words in Sch. 1 para. 7(a)(ii) substituted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\), ss. 3\(2\), 11\(4\)](#)
- F2** Word in Sch. 1 para. 7(a)(ix) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\), ss. 3\(3\), 11\(4\)](#)
- F3** Words in Sch. 1 para. 7(a)(xiv) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\), ss. 3\(4\), 11\(4\)](#)
- F4** Sch. 1 para. 7(xxiii)-(xxiid) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\), ss. 3\(5\), 11\(4\)](#)

- 8 (1) Building regulations may be made with respect to—
- (a) alterations and extensions of buildings and of services, fittings and equipment in or in connection with buildings,
 - (b) new services, fittings or equipment provided in or in connection with buildings,
 - (c) buildings and services, fittings and equipment in or in connection with buildings, so far as affected by—

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- (i) alterations or extensions of buildings, or
 - (ii) new, altered or extended services, fittings or equipment in or in connection with buildings,
 - (d) the whole of a building, together with any services, fittings or equipment provided in or in connection with it, in respect of which there are or are proposed to be carried out any operations that by virtue of section 123(1) of this Act constitute the construction of a building for the purposes of this paragraph,
 - (e) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases where the purposes for which or the manner or circumstances in which a building or part of a building is used change or changes in a way that constitutes a material change of use of the building or part within the meaning of the expression “material change of use” as defined for the purposes of this paragraph by building regulations.
 - [^{F5}(f) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection with them, in cases where the persons in occupation of a building or part of a building change in prescribed circumstances.]
- [^{F6}(2) Subject to sub-paragraphs (3) to (6) below and to sections 2(2) and 2A of this Act, building regulations shall not apply to or in connection with buildings erected before the date on which the regulations come into force.
- (3) The following building regulations may be made to apply to or in connection with buildings erected before the date on which the regulations come into force—
- (a) regulations falling within sub-paragraph (1)(a) to (e) above;
 - (b) regulations made with respect to the demolition of buildings;
 - (c) regulations made with respect to the use of materials or components (including surface finishes) that (in whole or in part) have been produced from, or incorporate, recycled items;
 - (d) regulations made with respect to the re-use of materials or components (including surface finishes);
 - (e) regulations falling within sub-paragraph (4) below.
- (4) Building regulations fall within this sub-paragraph if—
- (a) in accordance with sub-paragraph (1)(f) above, they are framed by reference to a change in the occupants of a building (or part); and
 - (b) they are—
 - (i) made for the purpose mentioned in section 1(1)(b) of this Act; or
 - (ii) made (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- (5) The provision that may be made by building regulations includes provision imposing on a person carrying out work of any type in relation to a building (whenever erected), or in relation to any service, fitting or equipment provided in or in connection with a building (whenever erected)—
- (a) a requirement to do things for the purpose mentioned in section 1(1)(b) of this Act; or

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- (b) a requirement to do things (otherwise than for that purpose) with respect to measures calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question) of smoke, gases, vapours or fumes.
- (6) The things whose doing may be required by virtue of sub-paragraph (5) above are—
- (a) things to be done in relation to the work in question;
 - (b) any other things but only if they are to be done in relation to—
 - (i) the building in question; or
 - (ii) any service, fitting or equipment provided in or in connection with that building.]

Textual Amendments

- F5** Sch. 1 para. 8(1)(f) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(6\)](#), 11(4)
- F6** Sch. 1 para. 8(2)-(6) substituted for Sch. 1 para. 8(2) (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 3\(7\)](#), 11(4)

- 9 Building regulations may authorise local authorities, subject to and in accordance with the regulations, to fix by means of schemes and to recover such charges for or in connection with the performance of functions of theirs relating to building regulations as they may determine in accordance with principles prescribed by the regulations.

Commencement Information

- II** Sch. 1 para. 9 wholly in force at 7.8.1998 by [S.I. 1998/1836](#), [art. 2](#)

- 10 Building regulations may—
- (a) provide for a provision thereof to apply generally, or in a particular area,
 - (b) make different provision for different areas and generally different provision for different circumstances or cases,
 - (c) include such supplemental and incidental provisions as appear to the Secretary of State expedient.
- 11 (1) Building regulations may repeal or modify—
- (a) any of the following provisions of this Act: sections 15, 18, 19, 21 to 29, 41, 59 to 87, 91 to 119, 123(2) and 126 (except as to the definitions of “contravention”, “local authority”^{F7}(as it applies for the purposes of Parts I and II of this Act)], “modifications”, “plans”, “prescribed” and “substantive requirements”), and paragraphs 1 and 5 to 14 of Schedule 3, or
 - (b) any provision of an Act passed before the 20th September 1974, if it appears to the Secretary of State that it is inconsistent with, or is unnecessary or requires alteration in consequence of, any provision contained in or made under any enactment relating to building regulations.
- (2) Building regulations may—
- (a) repeal or alter section 12(1) of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976 (byelaws as to supply of heat) or any provision of byelaws in force by virtue of it, and

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- (b) make any modification of section 12(2) of that Act that the Secretary of State considers is appropriate in consequence of the repeal or alteration. [^{F8}or
- (c) any provision of a local Act passed before the day on which the Deregulation and Contracting Out Act 1994 is passed,]

Textual Amendments

F7 Words substituted by S.I. 1986/452, art. 3(1), **Sch. 2 para. 5**

F8 **Sch. 1 para. 11(1)(c)** and word preceding it inserted (3.11.1994) by 1994, c. 40, s.32(1)

Marginal Citations

M1 1976 c. 57.

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