

Status: Point in time view as at 28/06/2022.

Changes to legislation: Building Act 1984, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 June 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 4

Section 54.

PROVISIONS CONSEQUENTIAL UPON PUBLIC BODY'S NOTICE

Duration of notice

- 1 (1) A public body's notice comes into force when it is accepted by the local authority, either by notice given within the prescribed period to the public body by which it was given or by virtue of section 54(3) of this Act, and, subject to paragraph 3(3) below, continues in force until the occurrence of, or the expiry of a prescribed period of time beginning on the date of such event as may be prescribed.
- (2) 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 sub-paragraph (1) above.

Public body's plans certificates

- 2 (1) Where a public body—
 - (a) is satisfied that plans of the work specified in a public body's notice given by it have been inspected by a servant or agent of the body who is competent to assess the plans,
 - (b) in the light of that inspection 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,the body may give to the local authority a certificate in the prescribed form (called a "public body's plans certificate").
- (2) Building regulations may authorise the giving of a public body's notice combined with a public body's plans certificate, 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 Schedule or in any other provision of Part II of this Act to a public body's notice or to a public body's plans certificate includes a reference to that form, but
 - (b) should the form cease to be in force as a public body's notice by virtue of paragraph 1(1) above, nothing in that paragraph affects the continuing validity of the form as a public body's plans certificate.
- (3) A public body's plans certificate—
 - (a) may relate either to the whole or to part only of the work specified in the public body's notice concerned, and
 - (b) does not have effect unless it is accepted by the local authority to whom it is given.
- (4) A local authority to whom a public body's plans certificate is given—

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- (a) may not reject the certificate except on prescribed grounds, and
 - (b) shall reject the certificate if any of the prescribed grounds exists.
- (5) Unless, within the prescribed period, the local authority to whom a public body’s plans certificate is given give notice of rejection, specifying the ground or grounds in question, to the public body by which the certificate was given, the authority are conclusively presumed to have accepted the certificate.
- (6) If it appears to a local authority by whom a public body’s 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 to the public body.

Public body’s final certificates

- 3
- (1) Where a public body is satisfied that any work specified in a public body’s notice given by it has been completed, the body may give to the local authority such certificate with respect to the completion of the work and compliance with building regulations as may be prescribed (called a “public body’s final certificate”).
 - (2) Sub-paragraphs (3) to (5) of paragraph 2 above have effect in relation to a public body’s final certificate as if any reference in those sub-paragraphs to a public body’s plans certificate were a reference to a public body’s final certificate.
 - (3) Where a public body’s final certificate has been given with respect to any of the work specified in a public body’s notice and that certificate has been accepted by the local authority concerned, the public body’s notice ceases to apply to that work, but the provisions of section 48(1) of this Act, as applied by section 54(4), continue, by virtue of this sub-paragraph, to apply in relation to that work as if the public body’s notice continued in force in relation to it.

Effects of public body’s notice ceasing to be in force

- 4
- (1) This paragraph applies where a public body’s notice ceases to be in force by virtue of paragraph 1 above.
 - (2) Building regulations may provide that if—
 - (a) a public body’s plans certificate was given before the day on which the public body’s notice ceased to be in force, and
 - (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 paragraph 2(6) 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) of this Act as may be prescribed for the purposes of this sub-paragraph either are not exercisable or are exercisable only in prescribed circumstances.
 - (3) If, before the day on which the public body’s notice ceased to be in force, a public body’s final certificate was given in respect of part of the work specified in the notice and that certificate was accepted by the local authority (before, on or after that day), the fact that the public body’s notice has ceased to be in force does not affect the continuing operation of paragraph 3(3) above in relation to that part of the work.

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- (4) Notwithstanding anything in sub-paragraphs (2) and (3) above, for the purpose of enabling the local authority to perform the functions referred to in section 48(1) of this Act in relation to any part of the work not specified in a public body's 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 paragraph applies, the reference in sub-section (4) of section 36 of this Act 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 public body's notice ceased to be in force.
- (6) Subject to any provision of building regulations made by virtue of sub-paragraph (2) above if, before the public body's notice ceased to be in force, an offence under section 35 of this Act was committed with respect to any of the work specified in that notice, summary proceedings for that offence may be commenced by the local authority at any time within six months beginning with the day on which the functions of the local authority referred to in section 48(1) of this Act became exercisable with respect to the provision of building regulations to which the offence relates.
- (7) Any reference in the preceding provisions of this paragraph to section 48(1) of this Act is a reference to that section as applied by section 54(4) of this Act.

Consultation

- 5 Building regulations may make provision for requiring, in such circumstances as may be prescribed, a public body that has given a public body's notice to consult any prescribed person before taking any prescribed step in connection with any work specified in the notice.

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