



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Passing of plans*

#### 16 Passing or rejection of plans.

- (1) Where plans of any proposed work are, in accordance with building regulations, deposited with a local authority, it is the duty of the local authority, subject to any other section of this Act that expressly requires or authorises them in certain cases to reject plans, to pass the plans unless—
  - (a) they are defective, or
  - (b) they show that the proposed work would contravene any of the building regulations.
- (2) If the plans—
  - (a) are defective, or
  - (b) show that the proposed work would contravene any of the building regulations,the local authority may—
  - (i) reject the plans, or
  - (ii) subject to subsection (4) below, pass them subject to either or both of the conditions set out in subsection (3) below.
- (3) The conditions mentioned in subsection (2) above are—
  - (a) that such modifications as the local authority may specify shall be made in the deposited plans, and
  - (b) that such further plans as they may specify shall be deposited.
- (4) A local authority may only pass plans subject to a condition such as is specified in subsection (3) above if the person by whom or on whose behalf they were deposited—

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

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- (a) has requested them to do so, or
  - (b) has consented to their doing so.
- (5) A request or consent under subsection (4) above shall be in writing.
- (6) The authority shall within the relevant period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether they have been passed or rejected.
- (7) A notice that plans have been rejected shall specify the defects on account of which, or the regulation or section of this Act for non-conformity with which, or under the authority of which, they have been rejected.
- (8) A notice that plans have been passed shall—
- (a) specify any condition subject to which they have been passed, and
  - (b) state that the passing of the plans operates as an approval of them only for the purposes of the requirements of—
    - (i) the building regulations, and
    - (ii) any section of this Act (other than this section) that expressly requires or authorises the local authority in certain cases to reject plans.
- (9) Where the deposited plans are accompanied by—
- (a) a certificate given by a person approved for the purposes of this subsection to the effect that the proposed work, if carried out in accordance with the deposited plans, will comply with such provisions of the regulations prescribed for the purposes of this subsection as may be specified in the certificate, and
  - (b) 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 certificate,
- the local authority may not, except in prescribed circumstances, reject the plans on the ground that—
- (i) they are defective with respect to any provisions of the building regulations that are so specified, or
  - (ii) they show that the proposed work would contravene any of those provisions.
- (10) In any case where a question arises under this section between a local authority and a person who proposes to carry out any work—
- (a) whether plans of the proposed work are in conformity with building regulations, or
  - (b) whether the local authority are prohibited from rejecting plans of the proposed work by virtue of subsection (9) above,
- that person may refer the question to the Secretary of State for his determination; and an application for a reference under this subsection shall be accompanied by such fee as may be prescribed.
- (11) Where—
- (a) deposited plans accompanied by such a certificate and such evidence as are mentioned in subsection (9) above are passed by the local authority, or
  - (b) notice of the rejection of deposited plans so accompanied is not given within the relevant period from the deposit of the plans,

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the authority may not institute proceedings under section 35 below for a contravention of building regulations that—

- (i) arises out of the carrying out of the proposed work in accordance with the plans, and
  - (ii) is a contravention of any of the provisions of the regulations specified in the certificate.
- (12) For the purposes of this Part of this Act, “the relevant period”, in relation to the passing or rejection of plans, means five weeks or such extended period (expiring not later than two months from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority.
- (13) Until such day as the Secretary of State may by order appoint, subsection (10) above has effect as follows—
- “(10) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the plans are defective, or whether the proposed work would contravene any of the regulations, may on the application of that person be determined by a magistrates’ court, but no such application shall be entertained unless it is made before the proposed work has been substantially commenced.”

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**Modifications etc. (not altering text)**

**C1** S. 16(6)–(8) amended by [Midland Metro Act 1989 \(c. xv\), s. 45\(10\)](#) S. 16(6)-(8) extended (27.7.1993) by 1993 c. xv, [s. 55\(10\)](#).

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