

SCHEDULES

SCHEDULE 22

Section 28(1)

BUILDINGS

Building regulations

- 1 (1) Nothing in—
- (a) Part 1 of the 1984 Act with respect to building regulations, or
 - (b) any building regulations,
- applies to a building held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (2) Sub-paragraph (1) does not apply in relation to a building which is a house or hotel.
- (3) Sub-paragraph (1) does not apply in relation to a building which is used as offices or showrooms unless it forms part of a railway station or other railway facility.
- (4) In sub-paragraph (3), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.
- (5) The reference in sub-paragraph (1)(b) to building regulations does not include the provisions listed in regulation 34(1) of the Building Regulations 2010 ([S.I. 2010/2214](#)) (requirements relating to energy efficiency).

Drain repairs

- 2 In section 61 of the 1984 Act—
- (a) subsection (2) (local authority officers to have access to drain repair works), and
 - (b) subsection (3) (offence for failure to comply with section 61),
- do not apply to the repair, reconstruction or alteration of an underground drain which is carried out for Phase 2a purposes.

Drain disconnections

- 3 Where works described in section 62(1)(a), (b) or (c) of the 1984 Act (reconstruction and other drain works) are carried out for Phase 2a purposes, section 62 of the 1984 Act (which requires drains to be disconnected when they become disused or unnecessary in consequence of reconstruction and other works) has effect as if—
- (a) in subsection (1), for “as the local authority may reasonably require” there were substituted “as the person considers necessary”,
 - (b) subsections (2) and (3) were omitted,
 - (c) for subsection (4) there were substituted—

Status: This is the original version (as it was originally enacted).

- “(4) Before carrying out works described in subsection (1)(a), (b) or (c), the person carrying out the works must give at least 48 hours’ notice to the local authority.”, and
- (d) subsection (5) were omitted.

Raising of chimneys

- 4 (1) This paragraph applies where—
- (a) the nominated undertaker is given a notice under section 73(1) of the 1984 Act (notice requiring chimney of adjoining building to be raised and requiring owner or occupier of that building to allow access to it for that purpose),
 - (b) the taller building is a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, and
 - (c) the owner or occupier of the adjoining building referred to in section 73(1)(b) of the 1984 Act serves a counter-notice on the nominated undertaker.
- (2) The owner or occupier of the adjoining building may not enter upon relevant Phase 2a land, for the purposes of carrying out the work to which the counter-notice relates, without the consent of the Secretary of State or the nominated undertaker.
- (3) “Relevant Phase 2a land” means land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under the Act.
- (4) Where, by reason of the withholding of consent for the purposes of sub-paragraph (2), the owner or occupier of the adjoining building is unable to carry out the work to which the counter-notice relates, the counter-notice ceases to have effect.
- (5) In this paragraph, references to “the taller building” and a “counter-notice” are to be construed in accordance with section 73 of the 1984 Act.

Construction of cellars and rooms below subsoil water level

- 5 (1) Section 74(1) of the 1984 Act (which requires local authority consent for the construction of a cellar or room below subsoil water level in, or as part of, a house, shop, inn, hotel or office) does not apply to the construction of a cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station or other railway facility which is being used, or which is intended for use, by the nominated undertaker for the purposes of its undertaking under this Act.
- (2) In sub-paragraph (1), “railway facility” includes a maintenance depot, electrical supply facility or stabling facility used for the purposes of a railway.

Demolition of whole or part of building

- 6 Sections 80(2)(b), 81 and 82 of the 1984 Act (which concern a local authority’s power to serve notice about a demolition) do not apply to the demolition of the whole or part of a building carried out in exercise of the powers under this Act and to which section 80 of the 1984 Act otherwise applies.

Interpretation

7 In this Schedule—

“the 1984 Act” means the Building Act 1984;

“building regulations” has the same meaning as in the 1984 Act (see section 122 of that Act).