
Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Paragraph 32. (See end of Document for details)

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS IN CONNECTION WITH PART 3

PART 1

AMENDMENTS OF THE BUILDING ACT 1984

- 32 (1) Section 36 is amended as follows.
- (2) In subsections (1) to (3) for “local authority”, in each place it occurs, substitute “building control authority”.
- (3) In subsection (1) after “those regulations” insert “or a requirement imposed by virtue of any of those regulations”.
- (4) In subsection (2)—
- (a) for “any section of this Part of this Act other than section 16” substitute “any of sections 19 to 25”;
 - (b) for “plans”, in the first place it occurs, substitute “an application for building control approval”;
 - (c) for paragraphs (a) and (b) (including the “or” at the end of paragraph (b)) substitute—
 - “(a) without such an application having been made,
 - (b) notwithstanding the refusal of such an application, or”;
 - (d) in paragraph (c) for “passed the plans” substitute “granted such an application”;
 - (e) in paragraph (ii) for “passing plans” substitute “granting such an application”.
- (5) For subsection (5) substitute—
- “(5) Subsection (5A) applies where—
- (a) an application for building control approval is made to a building control authority in respect of any work that is not higher-risk building work,
 - (b) the application is granted, and
 - (c) work that is shown on the plans approved by the granting of the application (“the work”) is executed in accordance with—
 - (i) the plans, and
 - (ii) any requirement imposed by the building control authority.
- (5A) A section 36 notice may not be given on the ground that the work contravenes—

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- (a) any building regulations or any requirement imposed by virtue of the regulations, or (as the case may be)
 - (b) any requirement under any of sections 19 to 25.”
- (6) In subsection (6)—
- (a) for “does” substitute “, and sections 35B and 35C, do”;
 - (b) for “local authority”, in the first place it occurs, substitute “building control authority”;
 - (c) after “Attorney General” insert “, the Counsel General to the Welsh Government”;
 - (d) for paragraphs (a) to (c) substitute—
 - “(a) an application for building control approval was made to the local authority in respect of the work,
 - (b) the application was granted,
 - (c) the work was executed in accordance with—
 - (i) the plans approved by the granting of the application, and
 - (ii) any requirement imposed by the authority, and
 - (d) the work was not higher-risk building work,”.

Commencement Information

- I1** Sch. 5 para. 32 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(viii\)\(c\)](#)
- I2** [Sch. 5 para. 32](#) in force at 1.10.2023 except in relation to W. by [S.I. 2023/993](#), [reg. 2\(n\)\(xi\)](#) (with [regs. 3, 4, 7](#))

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