



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

37 Determination of certain applications by Secretary of State or Welsh Ministers

After section 30 of the Building Act 1984 insert—

“Determination by appropriate national authority

30A Determination of certain applications by appropriate national authority

- (1) This section applies where the building control authority fails to determine a prescribed application relating to higher-risk building work (“the original application”) within the relevant period.
- (2) The applicant may apply to the appropriate national authority for the original application to be determined by that authority.
- (3) An application under this section may be made only—
 - (a) before the end of the prescribed period, and
 - (b) if the building control authority has not determined the original application.
- (4) The building control authority may not determine the original application at any time after the making of an application under this section.
- (5) Building regulations may make provision about applications under this section, including in particular provision—
 - (a) about the making of such applications;

Status: Point in time view as at 05/09/2023.

Changes to legislation: Building Safety Act 2022, Section 37 is up to date with all changes known to be in force on or before 15 July 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)

- (b) requiring an applicant to notify the building control authority of the making of an application;
 - (c) imposing duties on the building control authority in cases where an application is made;
 - (d) for and in connection with the appropriate national authority appointing a person to determine the original application (including provision conferring functions on that person and providing that their decision is treated as the decision of the appropriate national authority);
 - (e) about the procedure to be adopted in connection with the determination of the original application.
- (6) The provision that may be made by virtue of [subsection \(5\)\(a\)](#) includes provision about—
- (a) the form and content of applications;
 - (b) the information and documents that are to accompany an application;
 - (c) the way in which an application, and anything that is to accompany it, is to be given.
- (7) For the purposes of determining the original application by virtue of this section, this Act and building regulations apply in relation to the appropriate national authority (and any person appointed by virtue of [subsection \(5\)\(d\)](#)) as they apply in relation to the building control authority.
- (8) The applicant may appeal to—
- (a) the tribunal, against a decision of the Secretary of State made under this section;
 - (b) a magistrates’ court, against a decision of the Welsh Ministers made under this section.
- (9) In this section “the relevant period” means—
- (a) the period provided by building regulations as the period within which the building control authority is to make the decision, or
 - (b) if the regulations provide that that period may be extended by agreement between the applicant and the building control authority and such an agreement is made, the agreed period.”

Commencement Information

- I1** S. 37 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(iii\)\(c\)](#)
- I2** S. 37 in force at 6.4.2023 except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(p\)](#)
- I3** S. 37 in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(iv\)](#)

Status:

Point in time view as at 05/09/2023.

Changes to legislation:

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