



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control approvers and building inspectors

50 Cancellation of initial notice

- (1) Section 52 of the Building Act 1984 (cancellation of initial notice) is amended in accordance with this section.
- (2) In [subsection \(1\)](#)—
 - (a) omit the “or” after [paragraph \(b\)](#);
 - (b) after [paragraph \(c\)](#), insert—
 - “(d) the registered building control approver is given a disciplinary order under section [58U\(2\)\(b\)](#) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates,
 - (e) the registered building control approver is given a disciplinary order under section [58U\(2\)\(c\)](#) (suspension of registration) or an order under section [58V](#) (interim suspension for suspected serious contravention), or
 - (f) it appears to the registered building control approver that a prescribed circumstance exists,”;
 - (c) for “approved inspector shall” substitute “registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control approver, must”.
- (3) For [subsection \(3\)](#) substitute—

Status: Point in time view as at 25/04/2024.

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 50. (See end of Document for details)

“(3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work to which the notice relates that—

- (a) the registered building control approver is no longer willing or able to carry out the registered building control approver’s functions with respect to any of that work, or
- (b) a prescribed circumstance exists,

the person must cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the registered building control approver.”

(4) In [subsection \(4\)](#), after “subsection” insert “(1) or”.

(5) After [subsection \(5\)](#) insert—

“(5A) If, at a time when an initial notice is in force, it appears to the local authority concerned that a condition in [subsection \(5B\)](#) is satisfied, the authority must cancel the initial notice by notice in the prescribed form given to—

- (a) the person shown in the initial notice as the registered building control approver, and
- (b) the person shown in the initial notice as the person intending to carry out the work.

(5B) The conditions are—

- (a) the registered building control approver is given a disciplinary order under [section 58U\(2\)\(b\)](#) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates;
- (b) the registered building control approver is given a disciplinary order under [section 58U\(2\)\(c\)](#) (suspension of registration) or an order under [section 58V](#) (interim suspension for suspected serious contravention);
- (c) the registered building control approver is given a disciplinary order under [section 58U\(2\)\(d\)](#) (cancellation of registration);
- (d) the registered building control approver has their registration cancelled under [section 58Z6\(2\)](#) (serious contravention notices);
- (e) a prescribed circumstance exists.”

(6) After [subsection \(6\)](#) insert—

“(7) Before cancelling an initial notice under [subsection \(5A\)](#) based on a condition in [subsection \(5B\)\(a\)](#), [\(b\)](#) or [\(e\)](#), the local authority must—

- (a) give the person shown in the initial notice as the registered building control approver a notice in the prescribed form at least seven days before the day on which the initial notice is to be cancelled, and
- (b) have regard to any representations made to the local authority during that period.”

Commencement Information

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| I1 | S. 50 not in force at Royal Assent, see s. 170(4)(b)(vi)(c) |
| I2 | S. 50 in force at 6.4.2023 for specified purposes except in relation to W. by S.I. 2023/362 , reg. 3(1)(v) |
| I3 | S. 50 in force at 5.9.2023 for specified purposes for W. by S.I. 2023/914 , reg. 2(b)(xii) |

Status: Point in time view as at 25/04/2024.

Changes to legislation: There are currently no known outstanding effects for the Building Safety Act 2022, Section 50. (See end of Document for details)

- 14** S. 50 in force at 6.4.2024 in force in so far as not already in force except in relation to W. by S.I. 2024/104, **reg. 2(f)** (with reg. 3)
- 15** S. 50 in force at 6.4.2024 for W. in so far as not already in force by S.I. 2024/207, **reg. 2(d)(vi)** (with regs. 3, 4, 8-12)

Status:

Point in time view as at 25/04/2024.

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 50.