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STATUTORY INSTRUMENTS

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**1998 No. 2332**

**BUILDING AND BUILDINGS**

**The Building (Approved Inspectors etc.) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>21st September 1998</i>
<i>Laid before Parliament</i>		<i>28th September 1998</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 7, and regulation 2 so far as it relates to regulation 7</i>		<i>1st December 1998</i>
<i>For all other purposes</i>		<i>1st March 1999</i>

The Secretary of State, in exercise of the powers conferred upon him by sections 1(1), 47(4) and (5), 49(1) and (5), and paragraph 10 of Schedule 1 to the Building Act 1984<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building (Approved Inspectors etc.) (Amendment) Regulations 1998 and shall come into force as follows—

- (a) regulation 7, and regulation 2 so far as it relates to regulation 7, on 1st December 1998;
- (b) the remainder, on 1st March 1999.

**Amendments to the Regulations**

2. The Building (Approved Inspectors etc.) Regulations 1985<sup>(2)</sup> (“the 1985 regulations”) shall be amended as follows.

3. For regulation 3 there shall be substituted the following—

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(1) 1984 c. 55.  
(2) S.I. 1985/1066; the relevant amending instruments are 1995/1387 and 1996/1906.

### **“Approval of Inspectors**

3.—(1) Where the Secretary of State has designated a body in accordance with regulation 4 (referred to in these regulations as a “designated body”), a person seeking to be an approved inspector shall apply to a designated body giving particulars of:

- (a) in the case of a person other than a body corporate, his qualifications and experience; and
- (b) in the case of a body corporate, the number, qualifications and experience of the people to be employed in the discharge of its functions under these regulations,

and the person shall answer any inquiries which that designated body makes about those matters.

(2) Where there is no designated body, a person seeking to be an approved inspector shall apply to the Secretary of State giving particulars of:

- (a) in the case of a person other than a body corporate, his qualifications and experience; and
- (b) in the case of a body corporate, the number, qualifications and experience of the people to be employed in the discharge of its functions under these regulations,

and the person shall answer any inquiries which the Secretary of State makes about those matters.”

### **Designation of bodies to approve inspectors**

4. In regulation 4 the words “(referred to in these regulations as “a designated body”)” shall be deleted.

### **Termination of approval or designation**

5. In regulation 6(1) after the words “a designated body” there shall be added “or by the Secretary of State”.

### **Lists of approvals and designations**

6. In regulation 7(4), after the words “shall indicate the date”, the words “, if any,” shall be deleted.

### **Events causing initial notice to cease to be in force**

7. In regulation 16(2)(i), for the words “a period of one day” there shall be substituted the words “a period of four weeks”.

### **Forms**

8. In Schedule 2, for paragraph 4(a) of Forms 1 and 3, and for paragraph 3(b) of Form 1A, there shall be substituted the following paragraph—

“In the case of a notice given by an inspector approved following an application under regulation 3(1) of the 1985 regulations, a copy of the notice of approval.”

### **Transitional provision**

9. Where, on 1st March 1999 a body corporate has applied to the Secretary of State under regulation 3(1) of the 1985 regulations, the Secretary of State has not notified the body corporate of

his approval under regulation 5 of the 1985 regulations and the Secretary of State has designated a body in accordance with regulation 4 of the 1985 regulations, the application of the body corporate shall be transferred by the Secretary of State to a designated body and the application will be deemed to have been made in accordance with regulation 3(1) of the 1985 regulations as amended by these regulations.

Signed by authority of the Secretary of State

21st September 1998

*Nick Raynsford*  
Parliamentary Under Secretary of State  
Department of the Environment, Transport and  
the Regions

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Building (Approved Inspectors etc.) Regulations 1985 (S.I. 1985/1066) (“the 1985 Regulations”) and provide that, where the Secretary of State has designated one or more bodies under the Building Act 1984 and the 1985 Regulations for the purpose of approving inspectors, all applications for approved inspector status shall be made to a designated body. Hitherto, bodies corporate wishing to be approved inspectors were required to apply to the Secretary of State, whilst individuals wishing to be approved inspectors were required to apply to a designated body.

The Regulations provide that if there is no designated body, all applications, whether from bodies corporate or from individuals, shall be made to the Secretary of State.

The Regulations also amend regulation 6 of the 1985 Regulations to provide that all approvals of inspectors given under those Regulations as amended will cease to have effect five years after the dates on which they are given. Hitherto, approvals given by the Secretary of State were of indefinite duration.

The Regulations make consequential changes in regulation 7(4) of, and in Schedule 2 to the 1985 Regulations.

Regulation 9 of the Regulations provides that applications made to the Secretary of State in accordance with the provisions of the 1985 Regulations and which have not been determined by him, will be transferred to a designated body when the Regulations come into force on 1st March 1999. Such applications will then be decided by the designated body as though they had been made to it under the provisions of regulation 3(1) of the 1985 Regulations, as amended by these Regulations.

In addition to the provisions relating to the approval of inspectors, the Regulations contain a provision, in regulation 7, which amends paragraph (2)(i) of regulation 16 of the 1985 Regulations, to increase the period prescribed there from one day to four weeks. This allows more time for the giving of an approved inspector’s final certificate in cases where a building or extension or materially altered part of a building is occupied before a final certificate is given, and the building is to be put to a use designated under section 1 of the Fire Precautions Act 1971.

A Regulatory Impact Assessment has been prepared in relation to these Regulations. A copy may be obtained from Building Regulations Division, Department of the Environment, Transport and the Regions, Zone 3/A1, Eland House, Bressenden Place, London SW1E 5DU, telephone 0171 890 5755.