

STATUTORY INSTRUMENTS

2010 No. 404

The Building (Local Authority Charges) Regulations 2010

Exception for building work solely required for disabled persons

4.—(1) Subject to paragraph (2), in relation to an existing dwelling which is, or is to be, occupied by a disabled person as a permanent residence, a local authority shall not fix or recover any charges where the whole of the building work in question is solely—

- (a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or
- (b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.

(2) Building work does not fall within paragraph (1)(b) unless the local authority are satisfied that the work consists of—

- (a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or
- (b) the provision or extension of a room which is or will be used solely—
 - (i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or
 - (ii) for the storage of medical equipment for the use of the disabled person, or
 - (iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.

(3) In relation to an existing building to which members of the public are admitted (whether on payment or otherwise) a local authority shall not fix charges where the whole of the building work in question is solely—

- (a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or
- (b) for the provision of facilities designed to secure the greater health, safety, welfare or convenience of disabled persons.

(4) In this regulation—

[^{F1}“disabled person” means a person who has a disability within the meaning given by section 6 of the Equality Act 2010 (disability); and]

“dwelling” includes a dwelling-house and a flat; and “dwelling-house” and “flat” have the same meanings as in the Principal Regulations.

Textual Amendments

- F1** Words in [reg. 4\(4\)](#) substituted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), [Sch. para. 31](#) (with art. 4)

Changes to legislation: There are currently no known outstanding effects for the The Building
(Local Authority Charges) Regulations 2010, Section 4. (See end of Document for details)

Commencement Information

II [Reg. 4](#) in force at 1.4.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Building (Local Authority Charges) Regulations 2010, Section 4.