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STATUTORY INSTRUMENTS

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**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—

“disabled person” means a person who is within any of the descriptions of persons to whom section 29(1) of the National Assistance Act 1948<sup>(1)</sup>, as extended by virtue of section 8(2) of the Mental Health Act 1959<sup>(2)</sup>, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989<sup>(3)</sup>; and

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(1) 1948 c.29.

(2) 1959 c.72. The words in section 8(2) which extend the meaning of disabled person in section 29(1) of the National Assistance Act 1948 are prospectively repealed by the National Health Service and Community Care Act 1990, section 66(2), Schedule 10, as from a day to be appointed.

(3) 1989 c.41.

“dwelling” includes a dwelling-house and a flat; and “dwelling-house” and “flat” have the same meanings as in the Principal Regulations<sup>(4)</sup>.

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(4) See regulation 2(1) of [S.I. 2000/2531](#).