
STATUTORY INSTRUMENTS

2023 No. 908

The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023

Amendments to the Poole Borough Council Act 1986

- 12.**—(1) The Poole Borough Council Act 1986⁽¹⁾ is amended as follows.
- (2) In section 2 (interpretation) after the definition of “the Act of 1984” insert—
- ““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.
- (3) In section 6(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.
- (4) In section 10 (parking places: safety requirements)—
- (a) in subsection (2)—
- (i) for “plans of any proposed work are deposited with” substitute “an application for a building control approval is made to”;
- (ii) for “plans show” substitute “application shows”;
- (iii) for “reject the plans” substitute “reject the application”;
- (b) in subsection (3) for “plans may be passed” substitute “the application for building control approval may be granted”;
- (c) in subsection (4) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
- (d) for subsection (5) substitute—
- “(5) A person aggrieved by the action of the Council under subsection (2) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”;
- (e) in subsection (6) for “plans have been passed” substitute “the application for building control approval has been granted”;
- (f) in subsection (7)—
- (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval had to be made”;
- (ii) for “plans of the work consisting of, or including, the parking place has been deposited” substitute “an application for building control approval of the work consisting of, or including, the parking place has been made”;

(1) 1986 c.i.

- (g) in subsection (12)—
 - (i) in paragraph (a), for “deposit of such plans as are” substitute “the application”;
 - (ii) in paragraph (b), for “plans in respect of any building have been passed” substitute “an application for building control approval in respect of any building has been granted”.
- (5) In section 11 (access for fire brigade)—
 - (a) in subsection (1)—
 - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
 - (ii) for “reject the plans” substitute “reject the application”;
 - (iii) for “plans show” substitute “application shows”;
 - (b) in subsection (3), omit “Section 16(6) and (7) and” and “notice of rejection or passing of plans and”;
 - (c) for subsection (4) substitute—

“(4) A person aggrieved by the action of the Council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.
- (6) In section 13(3) (buildings used for storage of flammable substances) for “plans of the building were deposited” substitute “an application for building control approval in respect of the building was made”.
- (7) In section 14 (fire precautions in large storage buildings)—
 - (a) in subsection (2)—
 - (i) for “plans are deposited with” substitute “an application for building control approval is made to”;
 - (ii) for “plans show” substitute “application shows”;
 - (iii) for “reject the plans” substitute “reject the application”;
 - (b) in subsection (3)—
 - (i) for “plans may be passed” substitute “the application for building control approval may be granted”;
 - (ii) for “those plans are deposited” substitute “that application is made”;
 - (c) in subsection (5) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
 - (d) for subsection (6) substitute—

“(6) A person aggrieved by the action of the Council under subsection (2) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”;
 - (e) in subsection (7)—
 - (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval made”;
 - (ii) for “plans of the work consisting of, or including, the building had been so deposited” substitute “an application for building control approval of the work consisting of, or including, the building had been made”;

- (iii) for “passed the plans” substitute “granted the application”.
- (8) In section 15 (fire precautions in high buildings) —
- (a) in subsection (1)—
 - (i) for “plans are deposited with” substitute “an application for building control approval is made to”;
 - (ii) for “plans show” substitute “application shows”;
 - (iii) for “reject the plans” substitute “reject the application”;
 - (b) in subsection (2) for “plans may be passed” substitute “the application for building control approval may be granted”;
 - (c) in subsection (4) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
 - (d) for subsection (5) substitute—
 - “(5) A person aggrieved by the action of the Council under subsection (1) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”.