
STATUTORY INSTRUMENTS

2024 No. 110

**The Building (Registered Building Control
Approvers etc.) (England) Regulations 2024**

PART 6

Appeals under Part 2 of the 1984 Act

Appeal under section 50(2) of the 1984 Act

28.—(1) An appeal to the regulator under section 50(2) of the 1984 Act must be made within 21 relevant days beginning with the day after the day on which the approver refused to give the plans certificate.

(2) Where a person is aggrieved with the decision of the regulator given on an appeal under section 50(2) of the 1984 Act and wishes to appeal that decision by virtue of section 43A(3) of the 1984 Act, they must appeal to the First-tier Tribunal within 21 relevant days beginning with the day after the day on which the regulator notifies them of its decision.

(3) The First-tier Tribunal may allow an appeal referred to in paragraph (2) only if it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact,
 - (b) that the decision was wrong in law,
 - (c) that the decision was unreasonable,
 - (d) that the decision was made without following the procedures set out in the 1984 Act or regulations made under the 1984 Act.
- (4) If the First-tier Tribunal allows an appeal it may quash or vary the decision.

Appeals under section 55 of the 1984 Act

29.—(1) An appeal to the First-tier Tribunal—

- (a) under section 55(1) of the 1984 Act;
- (b) under section 55(2A) of the 1984 Act,

must be made within 21 relevant days beginning with the day after the day on which the local authority notifies the approver of its decision.

(2) The First-tier Tribunal may allow an appeal under paragraph (1)(a) only if it is satisfied that the notice, certificate or report referred to in section 55(1) of the 1984 Act was not properly rejected on one or more of the following grounds—

- (a) that the rejection was based on an error of fact,
- (b) that the rejection was wrong in law,
- (c) that the rejection was unreasonable,

- (d) that the rejection was made without following the procedures set out in the 1984 Act or regulations made under the 1984 Act.
- (3) The First-tier Tribunal may allow an appeal under paragraph (1)(b) only if it is satisfied that the initial notice was not properly cancelled under section 52A of the 1984 Act on one or more of the following grounds—
 - (a) that the cancellation was based on an error of fact,
 - (b) that the cancellation was wrong in law,
 - (c) that the cancellation was unreasonable,
 - (d) that the cancellation was made without following the procedures set out in the 1984 Act or regulations made under the 1984 Act.
- (4) On determining an appeal under section 55(1) or (2A) of the 1984 Act, the First-tier Tribunal must give notice of the decision to—
 - (a) the person who made the appeal;
 - (b) the local authority.
- (5) On determining an appeal under section 55(2A) of the 1984 Act, where the First-tier Tribunal determines—
 - (a) that an initial notice was properly cancelled, it must additionally notify the regulator of the decision;
 - (b) that an initial notice was not properly cancelled, it must in the notice referred to in paragraph (4) explain the effect of section 55(2C)(a) to (c) of the 1984 Act.