



Building Act 1984

CHAPTER 55

LONDON
HER MAJESTY'S STATIONERY OFFICE
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Building Act 1984

CHAPTER 55

A Table showing the derivation of the provisions of this consolidation Act will be found at the end of the Act. The Table has no official status.

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five weeks or such extended period (expiring not later than two months from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority.

PART I

(13) Until such day as the Secretary of State may by order appoint, subsection (10) above has effect as follows—

“(10) Any question arising under this section between a local authority and the person by whom or on whose behalf plans are deposited as to whether the plans are defective, or whether the proposed work would contravene any of the regulations, may on the application of that person be determined by a magistrates’ court, but no such application shall be entertained unless it is made before the proposed work has been substantially commenced.”

17.—(1) Building regulations may make provision for the approval of persons for the purposes of section 16(9) above—

Approval of persons to give certificates etc.

(a) by the Secretary of State, or

(b) by a body (corporate or unincorporated) that, in accordance with the regulations, is designated by the Secretary of State for the purpose,

and any such approval may limit the description of work, or the provisions of the regulations, in relation to which the person concerned is so approved.

(2) Any such designation as is referred to in paragraph (b) of subsection (1) above may limit the cases in which and the terms on which the body designated may approve a person and, in particular, may provide that any approval given by the body shall be limited as mentioned in that subsection.

(3) There shall be paid on an application for any such approval as is referred to in subsection (1) above—

(a) where the application is made to the Secretary of State, such fee as may be prescribed,

(b) where the application is made to a body designated by him as mentioned in that subsection, such fee as that body may determine.

(4) The Secretary of State may approve for the purposes of section 16(9) above any scheme that appears to him to secure the provision of adequate insurance cover in relation to any certificate that is given under paragraph (a) of that subsection and is a certificate to which the scheme applies.

PART I

(5) Building regulations may prescribe for the purposes of section 16(9) above the insurance cover that is to be provided in relation to any certificate that is given under paragraph (a) of that subsection and is not a certificate to which an approved scheme applies and may, in particular, prescribe the form and content of policies of insurance.

(6) Building regulations may—

- (a) contain provision prescribing the period for which, subject to any provision made by virtue of paragraph (b) or (c) below, any such approval as is referred to in subsection (1) above continues in force,
- (b) contain provision precluding the giving of, or requiring the withdrawal of, any such approval as is referred to in subsection (1) above in such circumstances as may be prescribed,
- (c) contain provision authorising the withdrawal of any such approval or designation as is referred to in subsection (1) above,
- (d) provide for the maintenance by the Secretary of State of a list of bodies that are for the time being designated by him as mentioned in subsection (1) above and for the maintenance by the Secretary of State and by each designated body of a list of persons for the time being approved by him or them as mentioned in that subsection,
- (e) make provision for the supply to local authorities of copies of any list of approved persons maintained by virtue of paragraph (d) above and for such copy lists to be made available for inspection, and
- (f) make provision for the supply, on payment of a prescribed fee, of a certified copy of any entry in a list maintained by virtue of paragraph (d) above or in a copy list held by a local authority by virtue of paragraph (e) above.

(7) Unless the contrary is proved, in any proceedings (whether civil or criminal) a document that appears to the court to be a certified copy of an entry either in a list maintained as mentioned in subsection (6)(d) above or in a copy of such a list supplied as mentioned in subsection (6)(e) above—

- (a) is presumed to be a true copy of an entry in the current list so maintained, and
- (b) is evidence of the matters stated in it.

Building over
sewer etc.

18.—(1) Where—

- (a) plans of a building or of an extension of a building are, in accordance with building regulations, deposited with a local authority, and

PART II

- (b) the plans accompanying an initial notice shall be treated as the deposited plans,
 - (c) the acceptance or rejection of an initial notice shall be treated as the passing or, as the case may be, the rejection of plans, and
 - (d) the cancellation of an initial notice under section 52(5) below shall be treated as a declaration under section 32 above that the deposit of plans is of no effect.
- (3) The enactments referred to in subsection (2) above are—
- (a) section 36(2) above,
 - (b) section 36(5) above, in so far as it relates to a notice under section 36(2) above and to non-compliance with any such requirement as is referred to in that subsection,
 - (c) section 36(6) above, in so far as it relates to a contravention of this Act,
 - (d) section 18(2) above, and
 - (e) sections 219 to 225 of the Highways Act 1980 (the advance payments code).
- 1980 c. 66.
- 1971 c. 40.
- (4) For the purposes of section 13 of the Fire Precautions Act 1971 (exercise of fire authority's powers where provisions of building regulations as to means of escape apply)—
- (a) the acceptance by a local authority of an initial notice relating to any work shall be treated as the deposit of plans of the work with the authority in accordance with building regulations, and
 - (b) the references in subsections (1)(ii) and (3)(b) of that section to matters or circumstances of which particulars are not or were not required by or under the building regulations to be supplied to the local authority in connection with the deposit of plans shall be construed as a reference to matters or circumstances of which particulars would not be or, as the case may be, would not have been required to be so supplied if plans were to be or had been deposited with the authority in accordance with building regulations.
- Approved inspectors.
- 49.—(1) In this Act, "approved inspector" means a person who, in accordance with building regulations, is approved for the purposes of this Part of this Act—
- (a) by the Secretary of State, or
 - (b) by a body (corporate or unincorporated) that, in accordance with the regulations, is designated by the Secretary of State for the purpose.

(2) Any such approval as is referred to in subsection (1) above may limit the description of work in relation to which the person concerned is an approved inspector.

(3) Any such designation as is referred to in subsection (1)(b) above may limit the cases in which and the terms on which the body designated may approve a person and, in particular, may provide that any approval given by the body shall be limited as mentioned in subsection (2) above.

(4) There shall be paid on an application for any such approval as is referred to in subsection (1) above—

- (a) where the application is made to the Secretary of State, such fee as may be prescribed,
- (b) where the application is made to a body designated by him as mentioned in that subsection, such fee as that body may determine.

(5) Building regulations may—

- (a) contain provision prescribing the period for which, subject to any provision made by virtue of paragraph (b) or (c) below, any such approval as is referred to in subsection (1) above continues in force,
- (b) contain provision precluding the giving of, or requiring the withdrawal of, any such approval as is referred to in subsection (1) above in such circumstances as may be prescribed,
- (c) contain provision authorising the withdrawal of any such approval or designation as is referred to in subsection (1) above,
- (d) provide for the maintenance—
 - (i) by the Secretary of State of a list of bodies that are for the time being designated by him as mentioned in subsection (1) above, and
 - (ii) by the Secretary of State and by each designated body of a list of persons for the time being approved by him or them as mentioned in that subsection,
- (e) make provision for the supply to local authorities of copies of any list of approved inspectors maintained by virtue of paragraph (d) above and for such copy lists to be made available for inspection, and
- (f) make provision for the supply, on payment of a prescribed fee, of a certified copy of any entry in a list maintained by virtue of paragraph (d) above or in a copy list held by a local authority by virtue of paragraph (e) above.

PART II

(6) Unless the contrary is proved, in any proceedings (whether civil or criminal) a document that appears to the court to be a certified copy of an entry either in a list maintained as mentioned in subsection (5)(d) above or in a copy of such a list supplied as mentioned in subsection (5)(e) above—

(a) is presumed to be a true copy of an entry in the current list so maintained, and

(b) is evidence of the matters stated in it.

(7) An approved inspector may make such charges in respect of the carrying out of the functions referred to in section 47(1) above as may in any particular case be agreed between him and the person who intends to carry out the work in question or, as the case may be, by whom that work is being or has been carried out.

(8) Nothing in this Part of this Act prevents an approved inspector from arranging for plans or work to be inspected on his behalf by another person ; but such a delegation—

(a) shall not extend to the giving of a certificate under section 50 or 51 below, and

(b) shall not affect any liability, whether civil or criminal, of the approved inspector which arises out of functions conferred on him by this Part of this Act or by building regulations,

and, without prejudice to the generality of paragraph (b) above, an approved inspector is liable for negligence on the part of a person carrying out an inspection on his behalf in like manner as if it were negligence by a servant of his acting in the course of his employment.

**Plans
certificates.**

50.—(1) Where an approved inspector—

(a) has inspected plans of the work specified in an initial notice given by him,

(b) is satisfied that the plans neither are defective nor show that work carried out in accordance with them would contravene any provision of building regulations, and

(c) has complied with any prescribed requirements as to consultation or otherwise,

he shall, if requested to do so by the person intending to carry out the work, give a certificate in the prescribed form (called a "plans certificate") to the local authority and to that person.

(2) If any question arises under subsection (1) above between an approved inspector and a person who proposes to carry out any work whether plans of the work are in conformity with building regulations, that person may refer the question to the Secretary of State for his determination.

TABLE OF DERIVATIONS

Notes:

1. Transfers of functions between Ministers of the Crown are not acknowledged in this Table, nor are constructional provisions that are applicable generally.

2. The following abbreviations are used in this Table:

1875	= Public Health Act 1875 (c. 55).
1936	= Public Health Act 1936 (c. 49).
1937 c. 67	= Factories Act 1937 (c. 67).
1945 c. 42	= Water Act 1945 (c. 42).
1946 c. 36	= Statutory Instruments Act 1946 (c. 36).
1947 c. 51	= Town and Country Planning Act 1947 (c. 51).
1950 c. 39	= Public Utilities Street Works Act 1950 (c. 39).
1954 c. 32	= Atomic Energy Authority Act 1954 (c. 32).
1956 c. 73	= Crown Estate Act 1956 (c. 73).
1961	= Public Health Act 1961 (c. 64).
1961 c. 55	= Crown Estate Act 1961 (c. 55).
1962 c. 38	= Town and Country Planning Act 1962 (c. 38).
1963	= London Government Act 1963 (c. 33).
1963 c. 41	= Offices, Shops and Railway Premises Act 1963 (c. 41).
S.I. 1965	= London Government (No. 2) Order 1965 (S.I. 1965/1444).
1967 c. 9	= General Rate Act 1967 (c. 9).
1967 c. 80	= Criminal Justice Act 1967 (c. 80).
1967 c. xx	= Greater London Council (General Powers) Act 1967 (c. xx).
1969 c. 19	= Decimal Currency Act 1969 (c. 19).
S.I. 1970/211	= London Government Order 1970 (S.I. 1970/211).
S.I. 1970/1681	= Secretary of State for the Environment Order 1970 (S.I. 1970/1681).
1971 c. 23	= Courts Act 1971 (c. 23).
1971 c. 40	= Fire Precautions Act 1971 (c. 40).
1971 c. 78	= Town and Country Planning Act 1971 (c. 78).
1972 c. 70	= Local Government Act 1972 (c. 70).
1973 c. 37	= Water Act 1973 (c. 37).
1974	= Health and Safety at Work etc. Act 1974 (c. 37).
1974 c. 22	= Statute Law (Repeals) Act 1974 (c. 22).
1974 c. 40	= Control of Pollution Act 1974 (c. 40).
1975 c. 78	= Airports Authority Act 1975 (c. 78).
1976 c. 57	= Local Government (Miscellaneous Provisions) Act 1976 (c. 57).
1977 c. 45	= Criminal Law Act 1977 (c. 45).
1977 c. xv	= City of London (Various Powers) Act 1977 (c. xv).
S.I. 1977	= Health and Safety at Work etc. Act 1974 (Commencement No. 4) Order 1977 (S.I. 1977/294).
1978 c. 30	= Interpretation Act 1978 (c. 30).
1978 c. 44	= Employment Protection (Consolidation) Act 1978 (c. 44).
1980 c. 20	= Education Act 1980.
1980 c. 65	= Local Government, Planning and Land Act 1980 (c. 65).
1980 c. 66	= Highways Act 1980 (c. 66).
1981 c. 12	= Water Act 1981 (c. 12).
1982 c. 16	= Civil Aviation Act 1982 (c. 16).
1982 c. 30	= Local Government (Miscellaneous Provisions) Act 1982 (c. 30).
1982 c. 32	= Local Government Finance Act 1982 (c. 32).
1982 c. 48	= Criminal Justice Act 1982 (c. 48).
1983 c. 23	= Water Act 1983 (c. 23).
1984 c. 29	= Housing and Building Control Act 1984 (c. 29).

Provision	Derivation
1(1), (2) (3) (4)	1936 s. 61(1), (2); 1974 s. 61(1). — 1961 s. 4(7).
2	1974 s. 65.
3	1936 ss. 61(5)–(7), 296; 1974 s. 61(1); 1982 c. 48 ss. 38, 46.
4(1) (a) (b) (2)	1936 s. 71; 1961 Sch. 1 Pt. III. 1936 s. 71(a); 1944 c. 31 s. 63(1); 1980 c. 20 ss. 14(4), 27(5). 1936 s. 71(c); 1954 c. 32 s. 5(5); 1975 c. 78 s. 19(2); 1982 c. 16 Sch. 2 para. 1(1); 1984 Sch. 11 paras. 5, 35. 1974 s. 85(2) (as to 1954 c. 32 s. 5(5)).
5	1984 ss. 52, 62(2).
6	1984 s. 54.
7	1984 s. 55.
8	1961 s. 6(1)–(3); 1974 Sch. 6 Pt. I para. 5(b); 1984 s. 53(1), Sch. 10.
9	1961 s. 6(4)–(7); 1974 Sch. 10.
10	1961 s. 8; 1984 s. 53(2), (3).
11	1936 s. 296; 1974 s. 66; 1982 c. 48 ss. 38, 46; 1983 c. 23 Sch. 5.
12	1974 s. 67(1)–(11).
13	1974 s. 67(12).
14	1961 s. 9; S.I. 1970/1681 Sch. 3 para. 19(1); 1984 s. 59(1).
15	1971 c. 40 s. 15; 1984 s. 53(4).
16(1)–(8) (9) (10), (11) (12) (13)	1936 s. 64(1)–(2B); 1982 c. 30 s. 25. 1936 s. 64(2C); 1984 s. 56(1). 1936 s. 64(3), (3A); 1984 s. 56(2), (3). 1936 s. 64(4); 1961 s. 10(2); 1984 Sch. 10. 1936 s. 64(3); 1984 ss. 56(2), 66(2)(a).
17	1984 s. 56(4)–(10).
18(1) (2), (3) (4) (5)	1936 s. 25(1); 1961 Sch. 1 Pt. III. 1973 c. 37 s. 14(6), (7). 1936 s. 25(2). 1936 s. 25(1); 1974 c. 40 s. 28(2).
19(1)–(8) (9)	1936 ss. 53, 296; 1947 c. 51 Sch. 8; 1961 Sch. 1 Pt. III; 1962 c. 38 Sch. 14 para. 2; 1971 c. 78 Sch. 24 para. 2; 1977 c. 45 s. 31(5), (6), (9); 1982 c. 48 s. 46. 1974 s. 64(11).
20	1936 s. 296; 1974 s. 64; 1982 c. 48 ss. 38, 46.
21	1936 s. 37; 1961 Sch. 1 Pt. III.
22	1936 s. 38(1)–(3).
23(1), (2) (3), (4)	1936 s. 55(1); 1961 Sch. 1 Pt. III; 1976 c. 57 s. 34(1). 1936 ss. 55(2), 296; 1976 c. 57 s. 34(2); 1982 c. 48 ss. 38, 46.

Provision	Derivation
24(1), (2) (3) (4)	1936 s. 59(1); 1961 Sch. 1 Pt. III; 1982 c. 30 s. 8(1)(a). 1971 c. 40 s. 30(1). 1936 s. 59(5); 1961 Sch. 1 Pt. III.
25(1), (2) (3)-(5) (6)	1936 s. 137(1); 1945 c. 42 s. 29(1); 1961 Sch. 1 Pt. III; 1973 c. 37 Sch. 8 para. 41, Sch. 9. 1936 s. 137(2); 1945 c. 42 s. 29(2). 1936 ss. 137(3), 296; 1969 c. 19 s. 10(1); 1977 c. 45 s. 31(5), (6), (9); 1982 c. 48 s. 46.
26	1936 s. 43; 1961 Sch. 1 Pt. III.
27	1961 s. 33.
28	1961 s. 31.
29	1936 s. 54; 1961 Sch. 1 Pt. III.
30(1), (2) (3) (4)	1936 s. 67; 1961 Sch. 1 Pt. III. 1974 s. 85(2), Sch. 10. 1984 ss. 57(2), 66(2)(c), Sch. 12.
31	1974 s. 63(5).
32	1936 s. 66(1); 1961 Sch. 1 Pt. III.
33	1974 s. 68.
34	1936 s. 61(8); 1974 s. 61(1).
35	1936 s. 296; 1961 s. 4(6); 1974 Sch. 6 Pt. I para. 4(b); 1982 c. 48 ss. 38, 46.
36	1936 c. 65; 1961 Sch. 1 Pt. III; 1982 c. 30 s. 25(2).
37	1936 s. 65A; 1984 Sch. 9.
38	1974 s. 71.
39	1961 s. 7.
40	1936 s. 65B(1)-(4), (6), (7); 1984 Sch. 9.
41	1936 s. 301; 1971 c. 23 Sch. 9 Pt. I.
42(1)-(6) (7)	1974 s. 69(3)-(7); 1984 Sch. 11 para. 4. 1974 s. 69(1); 1984 s. 66(2)(b).
43	1974 s. 69(1), (2), (8).
44	1974 s. 72.
45	1974 s. 73.
46	—
47	1984 s. 39.
48	1984 s. 40.
49	1984 s. 41(1)-(6), (8), (9).
50	1984 s. 42.
51	1984 s. 43.