

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Building Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 2

RELAXATION OF BUILDING REGULATIONS FOR EXISTING WORK

Suspension of certain provisions while application pending

- 3 (1) Subject to the following provisions of this Schedule, after the making of an application for a direction to which this Schedule applies, and until the application is withdrawn or finally disposed of, no section 36 notice shall be given as regards the work to which the application relates on the ground that it contravenes the requirement to which the application relates.
- (2) If an application for a direction to which this Schedule applies is made less than 12 months after the completion of the work to which the application relates, section 36(4) of this Act does not prevent the giving of a notice as regards that work at any time within a period of 3 months from the date on which the application is withdrawn or finally disposed of.
- (3) If an application for a direction to which this Schedule applies is made after a section 36 notice has been given on the ground that the work to which the application relates contravenes the requirement to which the application relates (not being an application prohibited by paragraph 2 of this Schedule), section 36(3) of this Act has effect in relation to that work as if for the reference to the period there mentioned there were substituted a reference to a period expiring 28 days after the application is withdrawn or finally disposed of, or such longer period as [^{F1}a magistrates' court][^{F1}the appropriate court or tribunal] may allow.
- (4) Subject to the following provisions of this Schedule, if an application for a direction to which this Schedule applies is made after any person has, in consequence of the carrying out of the work to which the application relates in contravention of building regulations, become liable to a penalty continuing from day to day, the daily penalty is not recoverable in respect of any day after the making of the application and before it is withdrawn or finally disposed of.
- (5) In a case where an application is withdrawn or is finally disposed of without any direction being given, the [^{F2}appropriate national authority] or, as the case may be, the [^{F3}local authority][^{F3}building control authority] may order that the daily penalty is not recoverable in respect of any day during such further period not exceeding 28 days as may be specified in the order.

Textual Amendments

- F1** Words in [Sch. 2 para. 3\(3\)](#) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 6 para. 9\(t\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

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| F2 | Words in Sch. 2 para. 3(5) substituted (28.6.2022 for E., 5.9.2023 for W.) by Building Safety Act 2022 (c. 30) , s. 170(4)(b)(c), Sch. 5 para. 84(3) ; S.I. 2022/561, reg. 3(f), Sch. para. 49 ; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 33 |
| F3 | Words in Sch. 2 substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30) , s. 170(4)(b)(c), Sch. 5 para. 84(2) ; S.I. 2023/993, reg. 2(n)(xxxiv) |

- 4 Paragraph 3(1), (3) and (4) above do not apply to an application that is a repetition, or substantially a repetition, of a previous application under section 8 of this Act.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A)(d) inserted by [2015 c. 7 s. 37\(2\)](#)
- s. 44(11) inserted by [2004 c. 22 s. 3\(8\)](#)
- s. 79A inserted by [2023 asc 3 Sch. 13 para. 65](#)
- s. 91B inserted by [2022 c. 30 Sch. 5 para. 56](#)
- s. 95(5) inserted by [2022 c. 30 s. 60\(2\)](#)
- s. 105C inserted by [2022 c. 30 s. 58](#)
- s. 116(3)-(6) inserted by [2022 c. 30 s. 45\(2\)\(d\)](#)
- s. 117(A1)(A2) inserted by [2022 c. 30 s. 45\(3\)\(b\)](#)
- s. 118(1A) inserted by [2022 c. 30 s. 45\(4\)\(b\)](#)
- s. 131A inserted by [2022 c. 30 s. 59](#)
- s. 131B inserted by [2022 c. 30 s. 60\(3\)](#)
- Sch. 1 para. 7A inserted by [2015 c. 7 s. 37\(4\)](#)