



# Building Control Act 1966

## 1966 CHAPTER 27

### *Control of building and constructional work*

#### **1 Prohibition of work except under licence**

- (1) The carrying out in Great Britain after the commencement of this Act of any work in the construction or alteration of a building or of any other fixed works of construction or civil engineering shall be unlawful unless—
  - (a) the work is authorised by a licence issued under this Act by the Minister of Public Building and Works (hereafter in this Act referred to as " the Minister "); or
  - (b) the work is exempt from control by virtue of any of the following provisions of this Act.
- (2) A licence under this Act may be issued subject to conditions or limitations, and in particular may be limited so as to authorise the carrying out of some, but not all, of the work for which a licence is sought.
- (3) Any licence under this Act in respect of any work shall be issued to the person at whose expense the work is to be carried out, and the licence shall operate to authorise only work carried out at the expense of that person or, in the event of his death, at the expense of his personal representatives acting as such.
- (4) Subject to subsections (5) and (6) of this section, if any work is carried out in contravention of this section, or if any condition or limitation attached to a licence issued under this Act in respect of any work is contravened, the person at whose expense the work is carried out and (where he is not the same person) the person undertaking the carrying out of the work, and (in either case) any architect, engineer or surveyor employed in a supervisory capacity in connection with the carrying out of the work, shall each be guilty of an offence under this section.
- (5) A person at whose expense any work is carried out shall not be guilty of an offence under this section by reason of the fact—
  - (a) that any limit as to cost having effect in relation to the work by virtue of section 2 of this Act or of a licence issued under this Act has been exceeded; or

- (b) that any other condition or limitation having effect in relation to the work under such a licence has been contravened,  
if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that the limit had been or would be exceeded or, as the case may be, that the condition or limitation had been or would be contravened.
- (6) A person undertaking the carrying out of any work (where he is not the person at whose expense it is carried out) and an architect, engineer or surveyor employed in a supervisory capacity in connection with the carrying out of any work shall not be guilty of an offence under this section if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that the work was being carried out in contravention of this section or of the terms of a licence issued under this Act.
- (7) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction to a fine not exceeding three hundred pounds;
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- (8) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 or section 23 of the Summary Jurisdiction (Scotland) Act 1954 (time limit for proceedings), summary proceedings for an offence under this section may be commenced at any time within twelve months from the time when the offence was committed, and, in relation to such proceedings in Scotland, subsection (2) of the said section 23 shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (9) Where a person is convicted of an offence under this section by reason of the contravention of a condition or limitation attached to a licence, the Minister may revoke the licence, but shall not do so until the time for bringing an appeal against the conviction has expired or, if such an appeal is brought, until it is abandoned or finally determined.
- (10) Where a person is required by or under any enactment to carry out any work the carrying out of which is restricted by this section and duly makes an application for a licence under this section in respect of the carrying out of that work, then—
- (a) in reckoning any period within which he is required to carry out that work, no account shall be taken of the time during which his application is pending; and
  - (b) he shall not be treated as having acted in contravention of that enactment by reason of his failure to carry out that work in so far as the failure to carry it out is attributable to the refusal of his application or to any condition or limitation subject to which the licence applied for is granted.
- (11) Where a person contracts to carry out any work to which this Act applies, that person shall not be precluded from recovering payment for the work under the contract by reason only that it was carried out in contravention of this section or of the terms of a licence issued under this Act if he proves that at the time when the work was carried out he did not know, and could not reasonably have known, that it was being carried out in contravention of this section or, as the case may be, of the terms of the licence.
- (12) Any reference in this section to contravention of a condition includes a reference to failure to comply with a condition.