



Building Control Act 1966

1966 CHAPTER 27

Exemptions from control

2 Work below cost limit

- (1) Work shall be exempt from control under this Act if—
- (a) in the case of work done in the construction of a building or of any works, the cost of constructing the building or works ; or
 - (b) in the case of work done in the alteration of a building or of any works, the cost of making the alteration,
- together in either case with any other cost required to be added thereto by subsection (2) or (3) of this section, is less than £100,000.
- (2) If in a case falling within paragraph (a) of the foregoing subsection—
- (a) any work has been done in the construction of another building or other works contiguous or adjacent to the building or works mentioned in that paragraph (hereafter in this subsection referred to as the " relevant building or works "); and
 - (b) that work was done not earlier than two years before the work mentioned in that paragraph ; and
 - (c) the other building or works and the relevant building or works—
 - (i) are, or are to be, used for the purposes of the same undertaking; or
 - (ii) have been, or are to be, constructed at the expense of the same person,there shall be added to the cost mentioned in that paragraph the cost of constructing that other building or those other works.
- (3) If in a case falling within paragraph (b) of subsection (1) of this section, any other work has been done in the construction or alteration of the building or works mentioned in that paragraph not earlier than two years before the work mentioned in that paragraph, there shall be added to the cost mentioned in that paragraph, where the other work was done in the construction of the building or works, the cost of constructing the building or works and, where it was done in the alteration of the building or works, the cost of making the alteration.

- (4) In computing, for the purposes of this section, the cost of constructing or altering a building or any works, there shall be taken into account—
- (a) the cost of preparing the site of the building or works for the purposes of the construction or alteration, exclusive of the cost of demolishing anything previously on the site;
 - (b) the cost of constructing on that site or on land to be occupied therewith any ancillary works required for the building or works, including, in particular, works required for the purpose of providing water, light, heating or other services, fences and means of access;
- and regard shall be had to the value of any materials used for the purpose of constructing or altering the building or works and of the use for that purpose of any services or equipment, notwithstanding that the provision of the materials, services or equipment did not involve the expenditure of money solely or primarily for that purpose.
- (5) In computing, for the purposes of this section, the cost of constructing or altering a building or any works, there shall be left out of account—
- (a) the cost of the land on which the building or works are, or are to be, situated; and
 - (b) any fees paid to an architect, engineer or surveyor or otherwise in respect of professional services.
- (6) For the purposes of subsections (2) and (3) of this section there shall be disregarded any work in respect of another building or other works or, as the case may be, any other work in respect of the same building or works if that work—
- (a) is exempt from control by virtue of section 3, 4, 5, 6 or 7(1) of this Act; or
 - (b) was carried out before 28th July 1965 ; or
 - (c) would have been exempt from control by virtue of any of the provisions mentioned in paragraph (a) of this subsection if this Act had come into force on the date mentioned in paragraph (b) of this subsection;
- but, except as aforesaid, regard shall be had to all such work as is mentioned in the said subsections (2) and (3), including work carried out before the commencement of this Act and work which has been authorised by a licence issued under this Act or which is exempt from control by virtue of this section or section 7(4) of this Act.
- (7) For the purposes of subsection (2)(c)(ii) of this section members of a group of bodies corporate shall be treated as being one person, and in this subsection " group " means a body corporate and all other bodies corporate which are subsidiaries thereof within the meaning of section 154 of the Companies Act 1948.

3 Housing and industrial and research premises

- (1) There shall be exempt from control under this Act any work done in the construction or alteration of a building which, when constructed or altered, is to be used wholly or mainly for one or more of the following purposes (in this section referred to as " exempted purposes "), that is to say—
- (a) as one or more private dwellings;
 - (b) for carrying on any such process as is mentioned in section 21 of the Local Employment Act 1960 (definition of " industrial building ");
 - (c) for carrying on scientific research in the course of a trade or business.

- (2) For the purposes of this section there shall be treated as used for exempted purposes—
 - (a) any part of a building which is used for providing services or facilities reasonably required for the use of the remainder of the building as mentioned in the foregoing subsection; and
 - (b) any building which is used wholly or mainly for providing services or facilities reasonably required for the use as mentioned in that subsection of a building contiguous or adjacent to it.
- (3) For the purposes of this section, a building shall be treated as mainly used for exempted purposes, or for providing such services or facilities as are mentioned in subsection (2) (b) of this section, if (and only if) the gross floor space of the building (ascertained by external measurement) used otherwise than for exempted purposes or, as the case may be, used otherwise than for providing such services or facilities does not exceed twenty per cent. of the gross floor space of the building (ascertained as aforesaid or 20,000 square feet, whichever is the less).
- (4) In any case in which work done in the construction or alteration of a building is exempt from control by virtue of subsection (1) of this section there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for the building.
- (5) The provisions of this section (except subsection (3)) shall, so far as applicable, have effect in relation to works other than buildings as they have effect in relation to buildings.

4 Development districts

- (1) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works in a locality which is specified by the Board of Trade as being a development district for the purposes of the Local Employment Act 1960 at the time when the work is carried out.
- (2) Where a locality has ceased to be so specified, there shall be exempt from control under this Act any work done in the construction or alteration of a building, or of any works, in that locality if—
 - (a) the construction or alteration was begun before the date on which the locality ceased to be so specified; or
 - (b) a contract for the work in question, or for other work in the construction or alteration, was made before that date.
- (3) Work shall not be exempt from control by virtue of paragraph (a) of subsection (2) of this section if the construction or alteration has been interrupted for a continuous period of twelve months or more.
- (4) Nothing in subsection (2) of this section shall be taken as conferring any exemption on work in respect of a building or any works by reason only that the construction of any ancillary works for the building or works in question was begun, or that a contract for work in the construction of such ancillary works was made, before the date mentioned in that subsection; but where work done in the construction or alteration of a building or of any works is exempt from control by virtue of that subsection there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

- (5) In this section "specified by the Board of Trade " means specified in the Board of Trade Journal by a notice which has not at the material time been withdrawn by a further notice in that Journal.

5 Public works

- (1) There shall be exempt from control under this Act any work carried out at the expense of—
- (a) a local authority as defined in the Local Government Act 1933, any other authority having power, within the meaning of the Local Loans Act 1875, to levy a rate, a committee of any such authority or any joint board or joint committee constituted under any enactment to discharge the functions of two or more such authorities ;
 - (b) a local authority as defined in the Local Government (Scotland) Act 1947 (including, in relation to the purposes mentioned in section 118 of that Act, a joint county council for any combined county to which that section applies) or any statutory authority, body of Commissioners or body of trustees (not being a local authority) to which section 270 of that Act applies, or any joint board or joint committee constituted under any enactment to discharge the functions of two or more such authorities or bodies ;
 - (c) the development corporation established for a new town or the Commission for the New Towns ;
 - (d) a harbour authority as defined in section 57(1) of the Harbours Act 1964, so far as the work consists of work done in the execution of any such works as are mentioned in section 9(1)(a) or (b) of that Act (harbour development works);
 - (e) any of the bodies mentioned in the Schedule to this Act;
 - (f) without prejudice to paragraph (a) above, any statutory water undertakers as defined in the Water Act 1945;
 - (g) a university or any school or other establishment of education, being a school or establishment which is in receipt of grants out of moneys provided by Parliament;
 - (h) any body corporate constituted under section 11 of the National Health Service Act 1946 or section 11 of the National Health Service (Scotland) Act 1947 (hospital authorities), so far as the work consists of work in respect of a building which is, or is to be, used—
 - (i) as part of or in connection with any hospital to which the functions of that body relate, or
 - (ii) for conducting research,
 or in respect of any works which are, or are to be, used as aforesaid;
 - (i) any body not mentioned above in this subsection whose income consists wholly or mainly of moneys provided by Parliament.
- (2) Without prejudice to subsection (1) of this section, there shall be exempt from control under this Act any work carried out on behalf of, or in pursuance of a contract for the execution of the work made with, the Crown.

6 Other exemptions

- (1) There shall be exempt from control under this Act any work done in the construction or alteration of a building if—

- (a) an office development permit has been issued under Part I of the Control of Office and Industrial Development Act 1965 in respect of development which consists of that construction or alteration ; or
 - (b) such a permit has been issued in respect of development which includes that construction or alteration and the office floor space (as defined and ascertained for the purposes of the said Part I) to be created by so much of the development as consists of that construction or alteration exceeds an area equal to the prescribed exemption limit for the time being in force under section 2 of that Act in relation to the locality in which the building is situated.
- (2) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works if—
- (a) on the completion of the work and on a claim or application duly made in that behalf, a payment of cost of works under Part I of the War Damage Act 1943 or a payment under the special arrangements relating to war damage to church buildings may be made in respect of the cost of that work or, in the case of work done after the end of the terminal period for the purposes of sections 1(1) and 4 of the War Damage Act 1964 (time limit for war damage payments) in a construction or alteration which was begun before the end of that period, such a payment could have been made but for the said section 1(1) or 4; or
 - (b) such a payment as aforesaid has been made in respect of any other work done in the construction or alteration in question or paragraph (a) of this subsection is satisfied as respects any such other work.
- (3) In any case in which work done in the construction or alteration of a building or of any works is exempt from control by virtue of subsection (1) or (2) of this section there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.
- (4) There shall be exempt from control under this Act any work in respect of which a pipe-line construction authorisation has been granted under the Pipe-lines Act 1962.

7 Work begun or contracted for before commencement of Act

- (1) There shall be exempt from control under this Act any work done in the construction or alteration of a building or of any works if—
- (a) the construction or alteration was begun before 28th July 1965; or
 - (b) a contract for the work in question, or for other work in the construction or alteration, was made before that date.
- (2) Work shall not be exempt from control by virtue of paragraph (a) of subsection (1) of this section if the construction or alteration has been interrupted for a continuous period of twelve months or more.
- (3) Nothing in subsection (1) of this section shall be taken as conferring any exemption on work in respect of a building or any works by reason only that the construction of any ancillary works for the building or works in question was begun, or that a contract for work in the construction of such ancillary works was made, before the date mentioned in that subsection ; but where work done in the construction or alteration of a building or of any works is exempt from control by virtue of that subsection there shall also be exempt from control by virtue of that subsection any work done in the construction of any ancillary works required for that building or those works.

Status: This is the original version (as it was originally enacted).

- (4) There shall be exempt from control under this Act any work which has been approved in writing by the Minister before the commencement of this Act.