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1966



Building Control Act 1966

CHAPTER 27

ARRANGEMENT OF SECTIONS

Control of building and constructional work

Section

1. Prohibition of work except under licence.

Exemptions from control

2. Work below cost limit.
3. Housing and industrial and research premises.
4. Development districts.
5. Public works.
6. Other exemptions.
7. Work begun or contracted for before commencement of Act.

Supplementary provisions

8. Power to extend or restrict control.
9. Enforcement.
10. Annual reports.
11. Expenses.
12. Short title, interpretation and extent.

SCHEDULE—Nationalised industries and undertakings:
exempted bodies.

ELIZABETH II



1966 CHAPTER 27

An Act to regulate building and constructional work.

[9th August 1966]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Control of building and constructional work

1.—(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.

1952 c. 55.
1954 c. 48.

(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.

Exemptions from control

2.—(1) Work shall be exempt from control under this Act Work below
cost limit.
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 c. 38. 1948.

3.—(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—

Housing and industrial and research premises.

- (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 ”) ; 1960 c. 18.
- (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.

Development districts.

4.—(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.

1960 c. 18.

(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.—(1) There shall be exempt from control under this Act Public works. any work carried out at the expense of—

- (a) a local authority as defined in the Local Government 1933 c. 51. Act 1933, any other authority having power, within the meaning of the Local Loans Act 1875, to levy a rate, 1875 c. 83. 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 1947 c. 43. (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 1964 c. 40. 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 ; 1945 c. 42.
- (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 1946 c. 81.

1947 c. 27.

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.

Other
exemptions.

6.—(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

1943 c. 21.

1964 c. 25.

(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.

1962 c. 58.

7.—(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—

Work begun or contracted for before commencement of Act.

(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.

(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.

Supplementary provisions

8.—(1) The Minister may by order—

(a) direct that, in relation to all work or to work of any description, section 2(1) of this Act shall have effect

Power to extend or restrict control.

with the substitution for the amount of £100,000 of such other amount (whether higher or lower, but not being less than £50,000) as may be specified in the order ;

(b) direct that there shall be exempt from control under this Act—

(i) work of any description specified in the order ;

(ii) all work carried out during such period as may be specified in the order or until a further order under this sub-paragraph ;

(c) direct that there shall not be exempt from control under this Act all work, or work of any description, which would otherwise be exempt from such control by virtue of section 3(1)(b) or (c), 4 or 5(1)(d) to (i) of this Act.

(2) An order under this section may describe the work to which it applies by reference to the nature of the work or to the place where, the period during which, or the class of property in respect of which, it is carried out, and different provision may be made for different cases or classes of case.

(3) An order under this section may contain such transitional, supplementary and incidental provisions as appear to the Minister to be appropriate, and any such order whereby any work will cease to be exempt from control under this Act shall contain such provisions as appear to him to be appropriate for preserving the exemption in relation to work done after the date on which the order comes into force which was contracted for, or forms part of an operation begun, before that date.

(4) Any power conferred by this section to make an order shall be exercisable by statutory instrument, and shall include power to vary or revoke the order by a subsequent order.

(5) Any order under this section whereby any work will cease to be exempt from control under this Act shall cease to have effect at the end of the period of twenty-eight days beginning with the day on which the order is made (but without prejudice to anything previously done under the order or to the making of a new order) unless before the end of that period the order is approved by a resolution of each House of Parliament.

(6) In reckoning any period for the purposes of the last foregoing subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(7) A statutory instrument containing any order under this section to which subsection (5) of this section does not apply shall be subject to annulment in pursuance of a resolution of either House of Parliament.

9.—(1) Where it appears to the Minister that any such work Enforcement. as is mentioned in section 1(1) of this Act is being, or has at any time within the preceding year been, carried out on any land, the Minister may—

- (a) authorise any person to enter and inspect the land and any such work for the purpose of ascertaining whether the provisions of this Act are applicable to the work and whether those provisions, or the provisions of any licence issued under this Act, are being or have been complied with ;
- (b) for the said purpose, by notice require the person at whose expense the work is being or has been carried out, and any person who is or has been engaged in the carrying out of the work, to furnish to the Minister or the person specified in the notice such information, and to produce for examination on behalf of the Minister such books, estimates, returns, accounts or other documents in his possession or control, as may be so specified.

(2) A person claiming to exercise a power of entry under subsection (1)(a) of this section shall, if so required, produce written evidence of his authority.

(3) Any person who wilfully obstructs any person in the exercise of a power of entry under paragraph (a) of subsection (1) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds ; and any person who refuses or without reasonable excuse fails to comply with a notice under paragraph (b) of that subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(4) Any person who in purported compliance with a notice under subsection (1)(b) of this section or in connection with an application for a licence under this Act—

- (a) produces, sends or otherwise makes use of a document which he knows to be false in a material particular or recklessly produces, sends or otherwise makes use of a document which is false in a material particular ; or
- (b) makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and liable—

(i) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;

(ii) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

(5) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) In the last foregoing subsection “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(7) Proceedings in respect of an offence under this Act shall not be instituted in England or Wales except by or with the consent of the Director of Public Prosecutions.

Annual reports.

10. As soon as may be after the end of March 1968 and after the end of March in each subsequent year the Minister shall prepare a report on the performance of his functions under this Act, and shall lay the report before Parliament.

Expenses.

11. Any administrative expenses incurred by the Minister in consequence of the provisions of this Act shall be defrayed out of moneys provided by Parliament.

Short title, interpretation and extent.

12.—(1) This Act may be cited as the Building Control Act 1966.

(2) In this Act references to the alteration of a building or of any works include references to the reconstruction or extension of, or of a part of, a building or any works, and references to fixed works of construction or civil engineering include references to a road.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

(4) This Act shall not extend to Northern Ireland.

SCHEDULE

Section 5(1).

NATIONALISED INDUSTRIES AND UNDERTAKINGS: EXEMPTED BODIES

- The British Railways Board.
- The London Transport Board.
- The British Transport Docks Board.
- The British Waterways Board.
- The Transport Holding Company.
- Any subsidiary (as defined in the Transport Act 1962) of any of 1962 c. 46. the bodies mentioned above.
- The British Overseas Airways Corporation.
- The British European Airways Corporation.
- The British Airports Authority.
- The National Coal Board.
- An Area Electricity Board.
- The North of Scotland Hydro-Electric Board.
- The South of Scotland Electricity Board.
- The Central Electricity Generating Board.
- The Electricity Council.
- The Gas Council.
- An Area Gas Board.
- The United Kingdom Atomic Energy Authority.

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