



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART III

BUILDING REGULATIONS, AND AMENDMENT OF BUILDING (SCOTLAND) ACT 1959

67 Power of Secretary of State to approve types of building etc.

- (1) The following provisions of this section shall have effect with a view to enabling the Secretary of State, either on an application made to him or of his own accord, to approve any particular type of building matter as complying, either generally or in any class of case, with particular requirements of building regulations.
- (2) An application for the approval under this section of a type of building matter shall comply with any requirements of building regulations as to the form of such applications and the particulars to be included therein.
- (3) Where under subsection (1) above the Secretary of State approves a type of building matter as complying with particular requirements of building regulations either generally or in any class of case, he may issue a certificate to that effect specifying—
 - (a) the type of building matter to which the certificate relates ;
 - (b) the requirements of building regulations to which the certificate relates; and
 - (c) where applicable, the class or classes of case to which the certificate applies.
- (4) A certificate under this section shall, if it so provides, cease to have effect at the end of such period as may be specified in the certificate.
- (5) If, while a certificate under this section is in force, it is found, in any particular case involving a building matter of the type to which the certificate relates, that the building matter in question is of that type and the case is one to which the certificate applies, that building matter shall in that particular case be deemed to comply with the requirements of building regulations to which the certificate relates.
- (6) The Secretary of State may vary a certificate under this section either on an application made to him or of his own accord; but in the case of a certificate issued on an application made by a person under subsection (1) above, the Secretary of State, except

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where he varies it on the application of that person, shall before varying it give that person reasonable notice that he proposes to do so.

- (7) Building regulations may require a person making an application under subsection (1) or (6) above to pay the Secretary of State the prescribed fee ; and, without prejudice to section 4(2) of the 1961 Act, regulations made by virtue of this subsection may prescribe different fees for different cases:

Provided that the Secretary of State may in any particular case remit the whole or part of any fee payable by virtue of this subsection.

- (8) The Secretary of State may revoke a certificate issued under this section, but before doing so in the case of a certificate issued on an application under subsection (1) above shall give the person on whose application the certificate was issued reasonable notice that he proposes to do so.
- (9) Where the Secretary of State issues a certificate under this section or varies or revokes a certificate so issued, he shall publish notice of that fact in such manner as he thinks fit.
- (10) If at any time a certificate under this section ceases to have effect by virtue of subsection (4) above or is varied or revoked under the preceding provisions of this section, that fact shall not affect the continued operation of subsection (5) above by virtue of that certificate in any case in which before that time—
- (a) plans of the proposed work were, in accordance with building regulations, deposited with a local authority; or
 - (b) a building notice was served on the district surveyor in pursuance of section 83 of the London Building Acts (Amendment) Act 1939.
- (11) For the purposes of subsection (3) above or any variation of a certificate under subsection (6) above, a class of case may be framed in any way that the Secretary of State thinks fit.
- (12) The Secretary of State may by building regulations delegate to any person or body, to such extent and subject to such conditions as the Secretary of State may think fit, the powers of approval conferred on him by this section; and so far as those powers are for the time being so delegated to any person or body, the preceding provisions of this section, except so much of subsection (7) as precedes the proviso, and any building regulation made by virtue of that subsection shall (subject to any prescribed conditions) have effect in relation to that person or body with the substitution of references to that person or body for references to the Secretary of State.