



Building Act 1984

1984 CHAPTER 55

[^{F1}PART 2A

REGULATION OF BUILDING CONTROL PROFESSION

[^{F1}Operational standards rules

Textual Amendments

- F1** Pt. 2A inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 for specified purposes except in relation to W, 1.1.2024 for W. for specified purposes, 1.1.2024 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), ss. 42, 170(4); S.I. 2023/362, reg. 3(1)(s); S.I. 2023/914, regs. 2(b)(viii), 4(a)(b) (with reg. 7); S.I. 2023/993, reg. 2(k)

58Z Operational standards rules

- (1) The regulatory authority may make rules (“operational standards rules”) applying to local authorities and registered building control approvers in relation to their exercise of building control functions.
- (2) Operational standards rules may in particular make provision about standards to be met, and practices, procedures or methods to be adopted, in exercising building control functions.
- (3) In this Part “building control functions”, in relation to a local authority or registered building control approver, means the functions of the authority or approver under this Act and regulations made under it.
- (4) The operational standards rules may make different provision for different cases (for example, for different descriptions of work).
- (5) The regulatory authority may revise the operational standards rules at any time.

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- (6) The regulatory authority must publish the operational standards rules (and any revised rules).

58Z1 Reporting requirements

- (1) The regulatory authority may direct local authorities and registered building control approvers to provide it, at specified times or intervals, with specified reports, returns and other information relating to the exercise of their building control functions.
- (2) “Specified” means specified in the direction.
- (3) A direction under this section—
- must be in writing;
 - may be general or specific;
 - may be varied or revoked.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a direction under this section commits an offence.
- (5) An offence under subsection (4) is punishable on summary conviction by a fine.

58Z2 Information: Wales

- (1) This section applies where the Welsh Ministers are the regulatory authority.
- (2) The Welsh Ministers may by notice in writing require a local authority or registered building control approver to provide the Welsh Ministers with any documents or information relating to the exercise of their building control functions that the Welsh Ministers reasonably require.
- (3) The notice must specify—
- the documents or information required,
 - the date by which they must be provided, and
 - the form in which they must be provided.
- (4) A registered building control approver who, without reasonable excuse, fails to comply with a notice under this section commits an offence.
- (5) An offence under subsection (4) is punishable on summary conviction by a fine.

58Z3 Investigations

- (1) If it appears to the regulatory authority (on receipt of a complaint or otherwise) that a local authority or registered building control approver may have contravened the operational standards rules, the regulatory authority may investigate the matter.
- (2) The regulatory authority must prepare and publish a statement of the procedure it will follow when investigating an authority or approver under this section (which must include an opportunity for the authority or approver to make representations).
- (3) The regulatory authority may revise the statement at any time (and must publish any revised statement).

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58Z4 Improvement notice

- (1) The regulatory authority may give an improvement notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the local authority or registered building control approver has contravened operational standards rules.
- (2) An improvement notice is a notice requiring the local authority or registered building control approver to remedy the contravention by doing, or by refraining from doing, anything specified in the order.
- (3) An improvement notice may have effect—
 - (a) until it is revoked, or
 - (b) for a period specified in the notice.
- (4) Where the regulatory authority gives an improvement notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (5) Where the regulatory authority gives an improvement notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
 - (a) to each local authority in England, where the regulatory authority is the regulator, or
 - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (6) Where the regulatory authority giving an improvement notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (7) The local authority or registered building control approver to whom the improvement notice is given may appeal to the appropriate court or tribunal against the notice.

58Z5 Serious contravention notices

- (1) The regulatory authority may give a serious contravention notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
 - (a) the local authority or registered building control approver has contravened operational standards rules, and
 - (b) as a result of the contravention the safety of persons in or about buildings has been, or may have been, put at risk.
- (3) This condition in this subsection is that the local authority or registered building control approver—
 - (a) has been given an improvement notice under section 58Z4, and
 - (b) has failed to remedy the contravention of operational standards rules in respect of which the notice was given.

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- (4) A serious contravention notice is a notice requiring the local authority or registered building control approver to remedy the contravention in question by doing, or by refraining from doing, anything specified in the order.
- (5) A serious contravention notice may have effect—
 - (a) until it is revoked, or
 - (b) for a period specified in the notice.
- (6) Where the regulatory authority gives a serious contravention notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (7) Where the regulatory authority gives a serious contravention notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
 - (a) to each local authority in England, where the regulatory authority is the regulator, or
 - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (8) Where the regulatory authority giving a serious contravention notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (9) The local authority or registered building control approver to whom the serious contravention notice is given may appeal to the appropriate court or tribunal against the notice.
- (10) A person who, without reasonable excuse, contravenes a serious contravention notice commits an offence and is liable on summary conviction to a fine.

58Z6 Continuing failure to meet standards: registered building control approvers

- (1) This section applies where—
 - (a) the regulatory authority has given a registered building control approver one or more serious contravention notices under [section 58Z5](#), and
 - (b) it appears to the regulatory authority that the way in which the approver exercises their building control functions—
 - (i) falls short of the standards expected, and
 - (ii) puts, or may put, the safety of persons in or about buildings at risk, and is likely to continue to do so.
- (2) The regulatory authority may cancel the approver’s registration.
- (3) But before cancelling a registered building control approver’s registration under [subsection \(2\)](#) the regulatory authority must—
 - (a) give the approver notice that it is considering its registration under that subsection, and explain its reasons, and
 - (b) invite the approver to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority cancels a registered building control approver’s registration under [subsection \(2\)](#) it must as soon as reasonably practicable—

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- (a) notify the approver that it has done so,
 - (b) give the approver a statement of its reasons, and
 - (c) notify—
 - (i) each local authority in England, where the regulatory authority is the regulator, or
 - (ii) each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (5) A registered building control approver may appeal to the appropriate court or tribunal against the cancellation of its registration under [subsection \(2\)](#).

58Z7 Continuing failure to meet standards: local authorities in England

- (1) This section applies where—
- (a) the regulatory authority is the regulator,
 - (b) the regulatory authority has given a local authority one or more serious contravention notices under [section 58Z5](#), and
 - (c) it appears to the regulatory authority that the way in which the local authority exercises their building control functions—
 - (i) falls short of the standards expected, and
 - (ii) puts, or may put, the safety of persons in or about buildings at risk, and is likely to continue to do so.
- (2) The regulatory authority may recommend to the Secretary of State that the Secretary of State make an order under section 116(4) (transfer of functions to the Secretary of State or another local authority).
- (3) But before making a recommendation under [subsection \(2\)](#) the regulatory authority must—
- (a) give the local authority notice that it is considering making a recommendation under that subsection, and explain its reasons, and
 - (b) invite the authority to make representations within a period specified in the notice (which must not be less than 14 days).
- (4) Where the regulatory authority makes a recommendation under [subsection \(2\)](#) it must as soon as reasonably practicable—
- (a) notify the local authority that it has done so, and
 - (b) give the local authority a statement of its reasons.
- (5) A local authority may appeal to the tribunal against a recommendation under [subsection \(2\)](#).]

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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\(4\)](#)