



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

[^{F1} Passing of plans][^{F1} Building control approval]

Textual Amendments

F1 S. 16 cross-heading substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 19](#); S.I. 2023/993, reg. 2(n)(ix)

16 Passing or rejection of plans.

^{F2}(1) Where plans of any proposed work are, in accordance with building regulations, deposited with a local authority, it is the duty of the local authority, subject to any other section of this Act that expressly requires or authorises them in certain cases to reject plans, to pass the plans unless—

- (a) they are defective, or
- (b) they show that the proposed work would contravene any of the building regulations.

(2) If the plans—

- (a) are defective, or
- (b) show that the proposed work would contravene any of the building regulations,

the local authority may—

- (i) reject the plans, or
- (ii) subject to subsection (4) below, pass them subject to either or both of the conditions set out in subsection (3) below.

(3) The conditions mentioned in subsection (2) above are—

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- (a) that such modifications as the local authority may specify shall be made in the deposited plans, and
 - (b) that such further plans as they may specify shall be deposited.
- (4) A local authority may only pass plans subject to a condition such as is specified in subsection (3) above if the person by whom or on whose behalf they were deposited—
 - (a) has requested them to do so, or
 - (b) has consented to their doing so.
- (5) A request or consent under subsection (4) above shall be in writing.
- (6) The authority shall within the relevant period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether they have been passed or rejected.
- (7) A notice that plans have been rejected shall specify the defects on account of which, or the regulation or section of this Act for non-conformity with which, or under the authority of which, they have been rejected.
- (8) A notice that plans have been passed shall—
 - (a) specify any condition subject to which they have been passed, and
 - (b) state that the passing of the plans operates as an approval of them only for the purposes of the requirements of—
 - (i) the building regulations, and
 - (ii) any section of this Act (other than this section) that expressly requires or authorises the local authority in certain cases to reject plans.
- (9) Where the deposited plans are accompanied by—
 - (a) a certificate given by a person approved for the purposes of this subsection to the effect that the proposed work, if carried out in accordance with the deposited plans, will comply with such provisions of the regulations prescribed for the purposes of this subsection as may be specified in the certificate, and
 - (b) such evidence as may be prescribed that an approved scheme applies, or the prescribed insurance cover has been or will be provided, in relation to the certificate,
 the local authority may not, except in prescribed circumstances, reject the plans on the ground that—
 - (i) they are defective with respect to any provisions of the building regulations that are so specified, or
 - (ii) they show that the proposed work would contravene any of those provisions.
- (10) In any case where a question arises under this section between a local authority and a person who proposes to carry out any work—
 - (a) whether plans of the proposed work are in conformity with building regulations, or
 - (b) whether the local authority are prohibited from rejecting plans of the proposed work by virtue of subsection (9) above,
 that person may refer the question to the Secretary of State for his determination; and an application for a reference under this subsection shall be accompanied by such fee as may be prescribed.
- (11) Where—

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- (a) deposited plans accompanied by such a certificate and such evidence as are mentioned in subsection (9) above are passed by the local authority, or
- (b) notice of the rejection of deposited plans so accompanied is not given within the relevant period from the deposit of the plans,

the authority may not institute proceedings under section 35 below for a contravention of building regulations that—

- (i) arises out of the carrying out of the proposed work in accordance with the plans, and
- (ii) is a contravention of any of the provisions of the regulations specified in the certificate.

- (12) For the purposes of this Part of this Act, “the relevant period”, in relation to the passing or rejection of plans, means five weeks or such extended period (expiring not later than two months from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority.

^{F3}(13)]

Textual Amendments

F2 S. 16 omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 20](#); S.I. 2023/993, reg. 2(n)(ix) (with [regs. 3, 6](#))

F3 S. 16(13) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIII](#) Group 1.

Modifications etc. (not altering text)

C1 S. 16 excluded (21.7.1994) by [1994 c.xv](#), s. **58(9)**

C2 S. 16 excluded (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [regs. 1, 13\(4\)](#) (with [reg. 9](#))

C3 S. 16 excluded (1.10.2010) by [The Building Regulations 2010 \(S.I. 2010/2214\)](#), [regs. 1, 18\(7\)](#) (with [reg. 9](#))

C4 S. 16(6)-(8) applied (with modifications) (21.7.1994) by [1994 c. xv](#), s. **58(10)**

C5 S. 16(6)-(8) amended by [Midland Metro Act 1989 \(c.xv\)](#), s. **45(10)**; and s. 16(6)-(8) extended (27.7.1993) by [1993 c. xv](#), s. **55(10)**

17 Approval of persons to give certificates etc.

[^{F4}(1) Building regulations may make provision for the approval of persons for the purposes of section 16(9) above—

- (a) by the Secretary of State, or
- (b) by a body (corporate or unincorporated) that, in accordance with the regulations is designated by the Secretary of State for the purpose,

and any such approval may limit the description of work, or the provisions of the regulations, in relation to which the person concerned is so approved.

- (2) Any such designation as is referred to in paragraph (b) of subsection (1) above may limit the cases in which and the terms on which the body designated may approve a person and, in particular, may provide that any approval given by the body shall be limited as mentioned in that subsection.

- (3) There shall be paid on an application for any such approval as is referred to in subsection (1) above—

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- (a) where the application is made to the Secretary of State, such fee as may be prescribed,
 - (b) where the application is made to a body designated by him as mentioned in that subsection, such fee as that body may determine.
- (4) The Secretary of State may approve for the purposes of section 16(9)

above any scheme that appears to him to secure the provision of adequate insurance cover in relation to any certificate that is given under paragraph (a) of that subsection and is a certificate to which the scheme applies.
- (5) Building regulations may prescribe, for the purposes of section 16(9)

above the insurance cover that is to be provided in relation to any certificate that is given under paragraph (a) of that subsection and is not a certificate to which an approved scheme applies and may, in particular, prescribe the form and content of policies of insurance.
- (6) Building regulations may—
 - (a) contain provision prescribing the period for which, subject to any provision made by virtue of paragraph (b) or (c) below, any such approval as is referred to in subsection (1) above continues in force,
 - (b) contain provision precluding the giving of, or requiring the withdrawal of, any such approval as is referred to in subsection (1) above in such circumstances as may be prescribed,
 - (c) contain provision authorising the withdrawal of any such approval or designation as is referred to in subsection (1) above,
 - (d) provide for the maintenance by the Secretary of State of a list of bodies that are for the time being designated by him as mentioned in subsection (1) above and for the maintenance by the Secretary of State and by each designated body of a list of persons for the being time approved by him or them as mentioned in that subsection,
 - (e) make provision for the supply to local authorities of copies of any list of approved persons maintained by virtue of paragraph (d) above and for such copy lists to be made available for inspection, and
 - (f) make provision for the supply, on payment of a prescribed fee, of a certified copy of any entry in a list maintained by virtue of paragraph (d) above or in a copy list held by a local authority by virtue of paragraph (e) above.
- (7) Unless the contrary is proved, in any proceedings (whether civil or criminal) a document that appears to the court to be a certified copy of an entry either in a list maintained as mentioned in subsection (6)(d) above or in a copy of such a list supplied as mentioned in subsection (6)(e) above—
 - (a) is presumed to be a true copy if an entry in the current list is maintained, and
 - (b) is evidence of the matters stated in it.]

Textual Amendments

- F4** S. 17 omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 20](#); S.I. 2023/993, reg. 2(n)(ix) (with regs. 3, 6)

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^{F5}18

Textual Amendments

F5 S. 18 repealed (1.4.2002) by [S.I. 2001/3335](#), [reg. 3\(1\)](#) (with [reg. 4](#))

19 Use of short-lived materials.

- (1) [^{F6}Where plans of a building are, in accordance with building regulations, deposited with a local authority, and the plans show][^{F6}Where an application for building control approval in respect of a proposed building is made to a building control authority, and it appears] that it is proposed to construct a building of materials to which this section applies, or to place or assemble on the site a building constructed of such materials, the authority may, notwithstanding that the [^{F7}plans conform][^{F7}application conforms] with the regulations—
- (a) reject [^{F8}the plans][^{F8}the application], or
 - (b) in [^{F9}passing the plans][^{F9}granting the application]—
 - (i) fix a period on the expiration of which the building must be removed, and
 - (ii) impose with respect to the use of the building such reasonable conditions, if any, as having regard to the nature of the materials used in its construction they deem appropriate,but no condition shall be imposed that conflicts with any condition imposed on the grant of planning permission for that building under Part III of [^{F10}the Town and Country Planning Act 1990].
- (2) If a building in respect of which [^{F11}plans ought under the building regulations to have been deposited, but have not been deposited,][^{F11}an application for building control approval ought to have been made but was not made] appears to the authority to be constructed of such materials as aforesaid, the authority, without prejudice to their right to take proceedings in respect of any contravention of the regulations, may—
- (a) fix a period on the expiration of which the building must be removed, and
 - (b) if they think fit, impose such conditions with respect to the use of the building as might have been imposed under subsection (1) above upon the [^{F12}passing of plans for the building][^{F12}granting of such an application].
- and where they fix such a period they shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.
- (3) A [^{F13}local authority][^{F13}building control authority] may from time to time extend any period fixed, or vary any conditions imposed, under this section; but, unless an application in that behalf is made to them by the owner of the building in question, they shall not exercise their power of varying conditions except when granting an extension, or further extension, of the period fixed with respect to the building.
- (4) A person aggrieved by the action of a [^{F13}local authority][^{F13}building control authority] under this section in rejecting [^{F14}plans][^{F14}an application], or in fixing or refusing to extend any period, or in imposing or refusing to vary any conditions, may appeal to [^{F15}a magistrates' court][^{F15}the appropriate court or tribunal].

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- (5) The owner of a building in respect of which a period has been fixed under this section shall, on the expiration of that period, or, as the case may be, of that period as extended, remove the building, and, if he fails to do so—
 - (a) the ^{F13}local authority^{F13}building control authority] shall remove it and may recover from him the expenses reasonably incurred by them in so doing, and
 - (b) without prejudice to the right of the authority to exercise that power, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale and to a further fine not exceeding £5 for each day during which the building is allowed to remain after he is convicted.
- (6) A person who uses a building in contravention of a condition imposed under this section, or who permits a building to be so used, is liable on summary conviction to a fine not exceeding level 1 on the standard scale and to a further fine not exceeding £5 for each day on which the offence continues after he is convicted.
- (7) Building regulations may provide that this section applies to any materials specified in the regulations as being materials that are, in the absence of special care, liable to rapid deterioration, or are otherwise unsuitable for use in the construction of permanent buildings.
- (8) This section applies in relation to an extension of an existing building as it applies in relation to a new building.
- (9) This section ceases to have effect upon the coming into force of section 20 below (which supersedes it).

Textual Amendments

- F6** Words in s. 19(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(3\)\(a\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F7** Words in s. 19(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(3\)\(b\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F8** Words in s. 19(1)(a) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(3\)\(c\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F9** Words in s. 19(1)(b) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(3\)\(d\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F10** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 67\(1\)](#)
- F11** Words in s. 19(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(4\)\(a\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F12** Words in s. 19(2)(b) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(4\)\(b\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 3)
- F13** Words in s. 19 substituted in part (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(2\)](#); S.I. 2023/993, reg. 2(n)(ix) (with reg. 4)
- F14** Words in s. 19(4) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 21\(5\)](#); S.I. 2023/993, reg. 2(n)(ix)
- F15** Words in s. 19(4) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 9\(a\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

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PROSPECTIVE

20 Use of materials unsuitable for permanent building.

- (1) ^{F16}Where plans of any proposed work are, in accordance with building regulations, deposited with a local authority, and the plans show ^{F16}Where an application for building control approval in respect of any proposed work is made to a building control authority, and it appears] that the proposed work would include or consist of work to which this section applies, the authority may, notwithstanding that the ^{F17}plans conform ^{F17}application conforms] with the regulations—
- (a) reject ^{F18}the plans ^{F18}the application], or
 - (b) in ^{F19}passing the plans ^{F19}granting the application] —
 - (i) fix a period on the expiration of which the work to which this section applies or the relevant building (as the authority may in ^{F19}passing the plans ^{F19}granting the application] direct) must be removed, and
 - (ii) if they think fit, impose with respect to the use of the relevant building or with respect to the work to which this section applies such reasonable conditions, if any, as they consider appropriate,but no condition as to the use of the relevant building shall be imposed that conflicts with any condition imposed or having effect as if imposed under ^{F20}Part III or Part VIII of the Town and Country Planning Act 1990 or under the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990].
- (2) If, in the case of any work in respect of which ^{F21}plans ought by virtue of building regulations to have been deposited with a local authority but have not been so deposited ^{F21}an application for building control approval ought to have been made but was not made], the work appears to the authority to include or consist of work to which this section applies, the authority, without prejudice to their right to take proceedings in respect of any contravention of the regulations, may—
- (a) fix a period on the expiration of which the work to which this section applies or the relevant building (as the authority may in fixing the period direct) must be removed, and
 - (b) if they think fit, impose any conditions that might have been imposed under subsection (1) above in ^{F22}passing plans ^{F22}granting the application] for the first-mentioned work,
- and where they fix such a period they shall forthwith give notice thereof, and of any conditions imposed, to the owner of the relevant building.
- (3) If, in the case of any work appearing to the ^{F23}local authority ^{F23}building control authority] to fall within subsection (9)(b) below, ^{F24}plans of the work were not required by building regulations to be deposited with the authority, and were not so deposited ^{F24}an application for building control approval was not required by building regulations to be made and was not made], the authority may at any time within 12 months from the date of completion of the work—
- (a) fix a period on the expiration of which the work must be removed, and
 - (b) if they think fit, impose any conditions that, ^{F25}if plans of the work had been required to be, and had been, so deposited, might have been imposed under subsection (1) above in passing the plans, ^{F25}if an application for building control approval in respect of the work had been required to be made and had

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been made, might have been imposed under subsection (1) in granting the application,]

and where they fix such a period they shall forthwith give notice thereof, and of any conditions imposed, to the owner of the relevant building.

- (4) A [^{F23}local authority][^{F23}building control authority] may from time to time extend any period fixed, or vary any conditions imposed, under this section, but, unless an application in that behalf is made to them by the owner of the relevant building, they shall not exercise their power of varying conditions so imposed except when granting an extension or further extension of the period fixed with respect to the work or building, as the case may be.

- (5) A person aggrieved by the action of a [^{F23}local authority][^{F23}building control authority] under this section—

- (a) in rejecting [^{F26}plans][^{F26}an application],
- (b) in fixing or refusing to extend any period, or
- (c) in imposing or refusing to vary any conditions,

may appeal [^{F27}to the Secretary of State within the prescribed time and in the prescribed manner].

[^{F28}(5A) The appeal is to be made to—

- (a) the regulator, in the case of action by a local authority for an area in England;
- (b) the tribunal, in the case of action by the regulator;
- (c) the Welsh Ministers, in the case of action by a local authority for an area in Wales.]

- (6) Where a period has been fixed under this section with respect to any work to which this section applies or with respect to the relevant building—

- (a) the owner of that building shall on the expiration of that period, or, as the case may be, of that period as extended, remove the work or building with respect to which the period was fixed, and
- (b) if he fails to do so, the [^{F23}local authority][^{F23}building control authority] may remove that work or building, as the case may be, and may recover from him the expenses reasonably incurred by them in doing so.

- (7) A person who—

- (a) contravenes a condition imposed under this section or permits such a condition to be contravened, or
- (b) contravenes subsection (6) above,

is liable on summary conviction to a fine [^{F29}not exceeding level 5 on the standard scale] and to a further fine not exceeding [^{F30}£50][^{F30}level 1 on the standard scale] for each day on which the offence continues or, as the case may be, on which the work or building is allowed to remain after he is convicted; but this subsection does not prejudice a local authority's rights under subsection (6) above.

- (8) In this section, “the relevant building” means, in any particular case, the building mentioned in paragraph (a) or, as the case may be, paragraph (b) of subsection (9) below.

- (9) This section applies to—

- (a) any work consisting of a part of a building, being a part in the construction of which there is used any material or component of a type that, in relation

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to a part of that description, is prescribed for the purposes of this paragraph under subsection (10) below, and

- (b) any work provided in or in connection with a building, being work consisting of a service, fitting or item of equipment of a type so prescribed for the purposes of this paragraph.

(10) The [^{F31}appropriate national authority] may by building regulations—

- (a) prescribe a type of material or component for the purposes of subsection (9) (a) above if in [^{F32}its] opinion materials or components of that type are likely to be unsuitable for use in the construction of a particular part of a permanent building in the absence of conditions with respect to the use of the building or with respect to any material or component of that type used in the construction of a part of that description,
- (b) prescribe a type of service, fitting or equipment for the purposes of subsection (9)(b) above if in [^{F32}its] opinion services, fittings or equipment of that type are likely to be unsuitable for provision in or in connection with a permanent building in the absence of conditions with respect to the use of the building or with respect to a service, fitting or equipment of that type so provided.

(11) Upon section 19 above ceasing to have effect—

- (a) any building regulations made, period fixed, condition imposed or other thing done by virtue of the said section 19 shall be deemed to have been made, fixed, imposed or done by virtue of this section, and
- (b) anything begun under the said section 19 may be continued under this Act as if begun under this section, but any appeal under section 19(4) that is pending at the time when the said section 19 ceases to have effect, and any proceedings arising out of such an appeal, shall proceed as if that section were still in force.

Textual Amendments

- F16** Words in s. 20(1) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(3)(a)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F17** Words in s. 20(1) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(3)(b)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F18** Words in s. 20(1)(a) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(3)(c)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F19** Words in s. 20(1)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(3)(d)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F20** Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 67(2)**
- F21** Words in s. 20(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(4)(a)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F22** Words in s. 20(2)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(4)(b)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F23** Words in s. 20 substituted in part (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(2)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 4)
- F24** Words in s. 20(3) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(5)(a)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F25** Words in s. 20(3)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 22(5)(b)**; S.I. 2023/993, reg. 2(n)(x) (with reg. 3)

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- F26** Words in s. 20(5)(a) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 22\(6\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F27** Words in s. 20(5) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 6 para. 3\(2\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F28** S. 20(5A) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 6 para. 3\(3\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F29** Words in s. 20(7) omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 22\(7\)\(a\)](#); S.I. 2023/993, reg. 2(n)(x)
- F30** Words in s. 20(7) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 22\(7\)\(b\)](#); S.I. 2023/993, reg. 2(n)(x)
- F31** Words in s. 20(10) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 22\(8\)\(a\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 23; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 15
- F32** Word in s. 20(10) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 22\(8\)\(b\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 23; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 15

21 Provision of drainage.

^{F33}(1)

^{F33}(2)

(3) Any question arising under subsection [^{F34}(4) below]between a [^{F35}local authority][^{F35}building control authority] and the person by whom, or on whose behalf, [^{F36}plans are deposited][^{F36}an application for building control approval is made] as to [^{F37}whether a proposed drain shall be required to connect with a sewer] may on the application of that person be determined by [^{F38}a magistrates' court][^{F38}the appropriate court or tribunal].

(4) [^{F39}Where [^{F40}plans of a building or of an extension of a building are, in accordance with building regulations, deposited with][^{F40}an application for building control approval in respect of a building or an extension of a building is made to] a [^{F35}local authority][^{F35}building control authority], the [^{F35}local authority][^{F35}building control authority], or on appeal [^{F41}a magistrates' court][^{F41}the appropriate court or tribunal], may require a proposed drain to connect with a sewer where]—

(a) that sewer is within one hundred feet of the site of the building or, in the case of an extension, the site either of the extension or of the original building, and is at a level that makes it reasonably practicable to construct a drain to communicate with it, and, if it is not a public sewer, is a sewer that the person constructing the drain is entitled to use, and

(b) the intervening land is land through which that person is entitled to construct a drain.

(5) Notwithstanding paragraph (a) of subsection (4) above, a drain may be required to be made to connect with a sewer that is not within the distance mentioned in that paragraph, but is otherwise such a sewer as is therein mentioned, if the authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing, the drain as may be attributable to the fact that the distance of the sewer exceeds the distance so mentioned.

(6) If any question arises as to the amount of a payment to be made to a person under subsection (5) above, that question may on his application be determined by [^{F42}a

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magistrates' court][^{F42}the appropriate court or tribunal], or he may require it to be referred to arbitration.

[^{F43}(7) This section does not apply to works in connection with which approval is required in accordance with Schedule 3 to the Flood and Water Management Act 2010 (sustainable drainage).]

Textual Amendments

- F33** S. 21(1)(2) repealed (1.4.2002) by S.I. 2001/3335, reg. 3(1) (with reg. 4)
- F34** Words in s. 21(3) substituted (1.4.2002) by S.I. 2001/3335, reg. 3(2)(a) (with reg. 4)
- F35** Words in s. 21 substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 23(2); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F36** Words in s. 21(3) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 23(3); S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F37** S. 21(3)(a)(b) substituted for words (1.4.2002) by S.I. 2001/3335, reg. 3(2)(b) (with reg. 4)
- F38** Words in s. 21(3) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 6 para. 9(b); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F39** Words in s. 21(4) substituted (1.4.2002) by S.I. 2001/3335, reg. 3(3) (with reg. 4)
- F40** Words in s. 21(4) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 23(4); S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F41** Words in s. 21(4) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 6 para. 9(b); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F42** Words in s. 21(6) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 6 para. 9(b); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F43** S. 21(7) added (2.5.2018 for W. for specified purposes, 7.1.2019 for W. in so far as not already in force) by Flood and Water Management Act 2010 (c. 29), s. 49(3), Sch. 3 para. 26(1) (with s. 49(1)(6)); S.I. 2018/557, arts. 2(b), 3(b)

Modifications etc. (not altering text)

- C6** Ss. 21, 22, 23 extended by S.I. 1987/798, regs. 2(1), 4

22 Drainage of buildings in combination.

(1) Where—

- (a) a [^{F44}local authority][^{F44}building control authority] might under section 21 above require each of two or more buildings to be drained separately into an existing sewer, but
- (b) it appears to the authority that those buildings may be drained more economically or advantageously in combination,

the authority may, when the drains of the buildings are first laid, require that the buildings be drained in combination into the existing sewer by means of a private sewer to be constructed either by the owners of the buildings in such manner as the authority may direct or, if the authority so elect, by the authority on behalf of the owners.

- (2) A [^{F44}local authority][^{F44}building control authority] shall not, except by agreement with the owners concerned, exercise the power conferred by subsection (1) above in respect of any building [^{F45}for whose drainage plans have been previously passed by them.][^{F45}if building control approval has been given in respect of work comprising drainage for the building.]

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- (3) A [^{F44}local authority][^{F44}building control authority] who make such a requirement as aforesaid shall fix—
- (a) the proportions in which the expenses of constructing, and of maintaining and repairing, the private sewer are to be borne by the owners concerned, or
 - (b) in a case in which the distance of the existing sewer from the site of any of the buildings in question is or exceeds one hundred feet, the proportions in which those expenses are to be borne by the owners concerned and the [^{F44}local authority][^{F44}building control authority],
- and shall forthwith give notice of their decision to each owner affected.
- (4) An owner aggrieved by the decision of a [^{F44}local authority][^{F44}building control authority] under subsection (3) above may appeal to [^{F46}a magistrates’ court][^{F46}the appropriate court or tribunal].
- (5) Subject to any such appeal—
- (a) any expenses reasonably incurred in constructing, or in maintaining or repairing, the private sewer shall be borne in the proportions so fixed, and
 - (b) those expenses, or, as the case may be, contributions to them, may be recovered accordingly by the persons, whether the [^{F44}local authority][^{F44}building control authority] or the owners, by whom they were incurred in the first instance.
- (6) A sewer constructed by a [^{F44}local authority][^{F44}building control authority] under this section is not deemed a public sewer by reason of the fact that the expenses of its construction are in the first instance defrayed by the authority, or that some part of those expenses is borne by them.

Textual Amendments

- F44** Words in s. 22 substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 24\(2\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F45** Words in s. 22(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 24\(3\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F46** Words in s. 22(4) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 9\(c\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

Modifications etc. (not altering text)

- C7** Ss. 21, 22, 23 extended by [S.I. 1987/798](#), [regs. 2\(1\), 4](#)

23 Provision of facilities for refuse.

- (1) ^{F47}
- (3) It is unlawful for any person except with the consent of the [^{F48}local authority][^{F48}building control authority] to close or obstruct the means of access by which refuse or faecal matter is removed from a building, and the [^{F48}local authority][^{F48}building control authority] in giving their consent may impose such conditions as they think fit with respect to the improvement of an alternative means of access or the substitution of other means of access.
- (4) A person who contravenes subsection (3) above is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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Textual Amendments

F47 S. 23(1)(2) repealed by [S.I. 1985/1065](#), [reg. 18](#)

F48 Words in [s. 23\(3\)](#) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 25](#); [S.I. 2023/993](#), [reg. 2\(n\)\(xi\)](#) (with [reg. 4](#))

Modifications etc. (not altering text)

C8 Ss. 21, 22, 23 extended by [S.I. 1987/798](#), [regs. 2\(1\), 4](#)

24 Provision of exits etc.

(1) Where—

- (a) [^{F49}plans of a building or of an extension of a building are, in accordance with building regulations, deposited with][^{F49}an application for building control approval in respect of a building or an extension of a building is made to] a [^{F50}local authority][^{F50}building control authority], and
- (b) the building or, as the case may be, the building as extended will be a building to which this section applies,

the authority shall reject the [^{F51}plans][^{F51}application] unless they show that the building, or, as the case may be, the building as extended, will be provided with such means of ingress and egress and passages or gangways as the authority, after consultation with the [^{F52}fire and rescue authority], deem satisfactory, regard being had to the purposes for which the building is intended to be, or is, used and the number of persons likely to resort to it at any one time.

- (2) Any question arising under subsection (1) above between a [^{F50}local authority][^{F50}building control authority] and the person by whom, or on whose behalf, [^{F53}plans are deposited][^{F53}an application for building control approval is made] as to whether the means of ingress or egress or passages or gangways already existing, or proposed to be provided, ought to be accepted by the authority as satisfactory may on the application of that person be determined by [^{F54}a magistrates' court][^{F54}the appropriate court or tribunal].

- (3) Where building regulations imposing requirements as to the provision of means of escape in case of fire are applicable to a proposed building or proposed extension of a building, or would be so applicable but for a direction under section 8 above dispensing with such requirements—

- (a) this section, and
- (b) any provision of a local Act that has effect in place of this section, does not apply in relation to the proposed building or extension.

- (4) Subject to subsection (3) above, this section applies to—

- (a) a theatre, and a hall or other building that is used as a place of public resort,
- (b) a restaurant, shop, store or warehouse to which members of the public are admitted and in which more than twenty persons are employed,
- [^{F55}(c) premises in respect of which a club premises certificate has effect under the Licensing Act 2003,]
- (d) a school not exempted from the operation of building regulations, and
- (e) a church, chapel or other place of public worship

but not—

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- (i) a private house to which members of the public are admitted occasionally or exceptionally,
- (ii) a building that was used as a church, chapel or other place of public worship immediately before the date on which section 36 of the ^{M1}Public Health Acts Amendment Act 1890, or a corresponding provision in a local Act, came into operation in the district or rating district, or
- (iii) a building that was so used immediately before the 1st October 1937 (the date of commencement of the ^{M2}Public Health Act 1936) in a district or rating district where neither the said section 36 nor such a corresponding provision ever came into operation.

Textual Amendments

- F49** Words in s. 24(1)(a) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 26\(3\)\(a\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F50** Words in s. 24 substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 26\(2\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F51** Words in s. 24(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 26\(3\)\(b\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F52** Words in s. 24(1) substituted (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004](#) (c. 21), s. 61, [Sch. 1 para. 57\(2\)\(3\)\(b\)](#); S.I. 2004/2304, art. 2; S.I. 2004/2917, art 2
- F53** Words in s. 24(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 26\(4\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F54** Words in s. 24(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 6 para. 9\(d\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F55** S. 24(c) substituted (24.11.2005) by [Licensing Act 2003](#) (c. 17), s. 201(2), [Sch. 6 para. 91](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

- C9** S. 24 excluded by [Fire Safety and Safety of Places of Sport Act 1987](#) (c. 27, SIF 45A), [ss. 26\(1\), 33\(1\)](#) (d)

Marginal Citations

- M1** 1890 c. 59.
M2 1936 c. 49.

25 Provision of water supply.

- (1) Where [^{F56}plans of a house are, in accordance with building regulations, deposited with][^{F56}an application for building control approval in respect of a house is made to] a [^{F57}local authority][^{F57}building control authority], the authority shall reject [^{F58}the plans][^{F58}the application] unless a proposal is put before them that appears to them to be satisfactory for providing the occupants of the house with a supply of wholesome water sufficient for their domestic purposes—
- (a) by connecting the house to a supply of water in pipes provided by . . . ^{F59}water undertakers,
 - (b) if in all the circumstances it is not reasonable to require the house to be connected as aforesaid, by otherwise taking water into the house by means of a pipe, or

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- (c) if in all the circumstances neither of the preceding alternatives can reasonably be required, by providing a supply of water within a reasonable distance of the house,
- and the authority are satisfied that the proposal can and will be carried into effect.
- (2) Any question arising under subsection (1) above between a [^{F57}local authority][^{F57}building control authority] and the person by whom, or on whose behalf, [^{F60}plans are deposited][^{F60}an application for building control approval is made] as to whether the [^{F57}local authority][^{F57}building control authority] ought to [^{F61}pass the plans][^{F61}grant the application] may on the application of that person be determined by [^{F62}a magistrates' court][^{F62}the appropriate court or tribunal].
- (3) If, after any such [^{F63}plans as aforesaid have been passed][^{F63}application has been granted], it appears to the [^{F57}local authority][^{F57}building control authority] that the proposal for providing a supply of water—
- (a) has not been carried into effect, or
- (b) has not resulted in a supply of wholesome water sufficient for the domestic purposes of the occupants,
- the authority shall give notice to the owner of the house prohibiting him from occupying it, or permitting it to be occupied, until the authority, being satisfied that such a supply has been provided, have granted him a certificate to that effect.
- (4) Until a certificate is granted under subsection (3) above, the owner shall not occupy the house or permit it to be occupied.
- (5) A person aggrieved by the refusal of the authority to grant such a certificate may apply to [^{F64}a magistrates' court][^{F64}the appropriate court or tribunal] for an order authorising the occupation of the house, and, if the court [^{F65}or tribunal] is of opinion that a certificate ought to have been granted, the court [^{F65}or tribunal] may make an order authorising the occupation of the house, and such an order shall have the like effect as a certificate of the [^{F57}local authority][^{F57}building control authority].
- (6) A person who contravenes subsection (4) above is liable on summary conviction to a fine not exceeding level 1 on the standard scale and to a further fine not exceeding £2 for each day on which the offence continues after he is convicted.
- [^{F66}(7) [^{F67}Section 67 of the Water Industry Act 1991] (standards of wholesomeness of water) and any regulations made under that section shall apply for the purposes of subsection (1) above as they apply for the purposes of [^{F68}Chapter III of Part III] of that Act.]

Textual Amendments

- F56** Words in s. 25(1) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(3)(a)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F57** Words in s. 25 substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(2)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F58** Words in s. 25(1) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(3)(b)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F59** Word repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F60** Words in s. 25(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(4)(a)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)

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- F61

Words in s. 25(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(4)(b)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F62

Words in s. 25(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 9(e)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F63

Words in s. 25(3) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 27(5)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 3)
- F64

Words in s. 25(5) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 9(e)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F65

Words in s. 25(5) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 11**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F66

S. 25(7) inserted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 70(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F67

Words in s. 25(7) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(3)(a)**
- F68

Words in s. 25(7) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(3)(b)**.

26–29 F69

Textual Amendments

F69 Ss. 26–29 repealed by S.I. 1985/1065, **reg. 18**

Status:

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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\(4\)](#)