



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

Relaxation of building regulations

8 Relaxation of building regulations.

- (1) Subject to this section, the Secretary of State, if on an application for a direction under this section he considers that the operation of a requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, may after consultation with the local authority, give a direction dispensing with or relaxing that requirement.
- (2) If building regulations so provide as regards a requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) above is exercisable by the local authority (instead of by the Secretary of State after consultation with the local authority).
- (3) Building regulations made by virtue of subsection (2) above may except applications of any description.
- (4) If—
 - (a) building regulations so provide as regards any requirement contained in the regulations, and
 - (b) a public body considers that the operation of any such requirement would be unreasonable in relation to any particular work carried out or proposed to be carried out by or on behalf of the public body,the public body may give a direction dispensing with or relaxing that requirement.
- (5) In subsection (4) above, “public body” means—
 - (a) a local authority,
 - (b) a county council, or

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(c) any other body that is prescribed for the purposes of section 5 above.

(6) Building regulations may provide as regards a requirement contained in the regulations that subsections (1) to (5) above do not apply.

9 Application for relaxation.

(1) An application under section 8(1) or (2) above shall be in such form and shall contain such particulars as may be prescribed.

(2) The application shall be made to the local authority, and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the Secretary of State and give notice to the applicant that it has been so transmitted.

(3) An application by a local authority in connection with a building or proposed building in the area of that authority shall be made to the Secretary of State, except where the power of giving the direction is exercisable by that authority.

(4) Schedule 2 to this Act has effect as regards as application for a direction that will affect the application of building regulations to work that has been carried out before the making of the application.

10 Advertisement of proposal for relaxation of building regulations.

(1) Not less than 21 days before giving a direction under section 8(1), (2) or (4) above in respect of any particular work, the Secretary of State, the local authority or the public body, as the case may be shall publish in a local newspaper circulating in the area where the site of the work is situated a notice—

(a) indicating the situation and nature of the work and the requirement to be dispensed with or relaxed, and

(b) stating that representations with regard to the effect that the direction may have on public health or safety may be made by a date specified in the notice, being a date not less than 21 days from the date of the notice.

and, where the direction is proposed to be made on an application, the Secretary of State or the local authority may, as a condition of entertaining the application, require the applicant to pay or undertake to pay the cost of publication.

(2) No notice need be published under the subsection (1) above where in appears to the Secretary of State, the local authority or the public body, as the case may be, that any effect that the direction may have on public health or safety will be limited to premises adjoining the site of the work, but in that case he, they or it shall give such a notice to the owner and occupier of those premises.

(3) No notice need be published or given under subsection (1) or (2) above where the work affects only an internal part of a building.

(4) The Secretary of State may, instead of himself publishing or giving a notice under subsection (1) or (2) above, require the local authority to give or publish the notice.

(5) Before giving the direction, the Secretary of State, the local authority or the public body shall consider any representation duly made in pursuance of a notice published or given under subsection (1) or (2) above.

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- (6) If, after a local authority have received representations under this section, they refuse the application to which the representations relate and an appeal is brought against their refusal the local authority shall transmit to the Secretary of State copies of those representations.

11 Type relaxation of building regulations.

- (1) If the Secretary of State considers that the operation of a requirement of building regulations would be unreasonable in relation to a particular type of building matter, he may, either on an application made to him or of his own accord, give a direction dispensing with or relaxing that requirement generally in relation to that type of building matter, either—
- (a) unconditionally, or
 - (b) subject to compliance with any conditions specified in the direction, being conditions with respect to matters directly connected with the dispensation or relaxation.
- (2) A direction under subsection (1) above—
- (a) if it so provides, ceases to have effect at the end of such period as may be specified in the direction,
 - (b) may be varied or revoked by a subsequent direction of the Secretary of State.
- (3) Building regulations may require a person making an application under subsection (1) above to pay the Secretary of State the prescribed fee, and—
- (a) without prejudice to paragraph 10 of Schedule 1 to this Act, regulations made by virtue of this subsection may prescribe different fees for different cases, and
 - (b) the Secretary of State may in a particular case remit the whole or part of a fee payable by virtue of this subsection.
- (4) Before giving a direction under subsection (1) above, the Secretary of State shall consult such bodies as appear to him to be representative of the interests concerned.
- (5) Where the Secretary of State gives a direction under subsection (1) above, he shall publish notice of that fact in such manner as he thinks fit.
- (6) A person who contravenes a condition specified in a direction given under subsection (1) above, or permits such a condition to be contravened, is liable on summary conviction to a fine not exceeding level 5 on the standard scale and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted.
- (7) If at any time a direction under subsection (1) above dispensing with or relaxing a requirement of building regulations ceases to have effect by virtue of subsection (2) (a) above, or is varied or revoked under subsection (2)(b) above, that fact does not affect the continued operation of the direction (with any conditions specified in it) in a 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 . . . ^{F1} in pursuance of section 83 of the ^{M1}London Building Acts (Amendment) Act 1939.

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(8) In this section, “building matter” means any building or other matter whatsoever to which building regulations are in any circumstances applicable.

Textual Amendments

F1 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

Marginal Citations

M1 [1939 c. xcvi](#).

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