



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Tests for conformity with building regulations*

### 33 Tests for conformity with building regulations.

- (1) [<sup>F1</sup>Where work to which building regulations are applicable is proposed or carried out, the building control authority has the powers under [subsection \(2\)](#) for the purpose of ascertaining whether any provision of building regulations is or would be contravened—
  - (a) by or in connection with the work, or
  - (b) in relation to the building that the work has been, is being or will be carried out on.]
- (2) [<sup>F1</sup>The powers are—
  - (a) to require a person by whom or on whose behalf the work was, is being, or is proposed to be done to carry out such reasonable tests of or in connection with the work, or in relation to the building, as may be specified in the requirement, or
  - (b) to carry out any reasonable tests of or in connection with the work, or in relation to the building, and to take any samples necessary to enable them to carry out such a test. ]
- (3) Without prejudice to the generality of subsection (2) above, the matters with respect to which tests may be required or carried out under that subsection include—
  - (a) tests of the soil or subsoil of the site of a building,
  - (b) tests of any material, component or combination of components that has been, is being or is proposed to be used in the construction of a building, and tests of any service, fitting or equipment that has been, is being or is proposed to be provided in or in connection with a building.

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- [<sup>F2</sup>(3A) The tests that may be required or carried out under [subsection \(2\)](#) include in particular tests involving—
- (a) the cutting into or laying open of any work or any building, and
  - (b) the pulling down of any work.]
- (4) A [<sup>F3</sup>local authority][<sup>F3</sup>building control authority] have power, for the purpose of ascertaining whether there is or has been, in the case of a building, a contravention of a continuing requirement that applies in relation to that building—
- (a) to require the owner or occupier of the building to carry out such reasonable tests as may be specified in the requirement under this paragraph, or
  - (b) themselves to carry out any tests that they have power to require under paragraph (a) above, and to take any samples necessary to enable them to carry out such a test;
- and in this subsection “continuing requirement” means a continuing requirement imposed by building regulations made by virtue of section 2(1) or (2) [<sup>F4</sup>or 2A] above.
- (5) The expense of carrying out any tests that a person is required to carry out under this section shall be met by that person, except that the [<sup>F5</sup>local authority][<sup>F5</sup>building control authority], on an application made to them, may, if they think it reasonable to do so, direct that the expense of carrying out any such tests, or such part of that expense as may be specified in the direction, shall be met by the local authority.
- (6) Any question arising under this section between a [<sup>F6</sup>local authority][<sup>F6</sup>building control authority] and a person as to the reasonableness of—
- (a) a test specified in a requirement imposed on him by the authority under this section,
  - (b) a refusal by the authority to give a direction under subsection (5) above on an application made by him, or
  - (c) a direction under that subsection given on such an application,
- may on the application of that person be determined by [<sup>F7</sup>a magistrates’ court][<sup>F7</sup>the appropriate court or tribunal]; and in a case falling within paragraph (b) or (c) above the court [<sup>F8</sup>or tribunal] may order the expense to which the application relates to be met by the [<sup>F6</sup>local authority][<sup>F6</sup>building control authority] to such extent as the court [<sup>F8</sup>or tribunal] thinks just.

#### Textual Amendments

- F1** S. 33(1)(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. 30\(2\)](#); S.I. 2023/993, reg. 2(n)(xi)
- F2** S. 33(3A) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 30\(3\)](#); S.I. 2023/993, reg. 2(n)(xi)
- F3** Words in s. 33(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. 30\(4\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F4** Words in s. 33(4) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 4\(2\), 11\(4\)](#)
- F5** Words in s. 33(5) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 30\(4\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F6** Words in s. 33(6) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 30\(4\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 4)
- F7** Words in s. 33(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\(f\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

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**F8** Words in s. 33(6) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 12](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

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**Commencement Information**

**I1** [S. 33](#) in force at 1.10.2023 for E. by S.I. 2023/992, [art. 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\(4\)](#)