



Building Act 1984

1984 CHAPTER 55

PART III

OTHER PROVISIONS ABOUT BUILDINGS

Buildings

69 Provision of water supply in occupied house.

F1

Textual Amendments

F1 S. 69 repealed (with saving) by [Water Act 1989](#) (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2) (4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 20(2), 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. I](#)

70 Provision of food storage accommodation in house.

- (1) If it appears to a local authority that a house, or part of a building that is occupied as a separate dwelling, is without sufficient and suitable accommodation for the storage of food, the local authority may by notice require the owner of the house or building to provide the house or building with sufficient and suitable accommodation for that purpose.
- (2) Sections 99 and 102 below apply in relation to a notice given under subsection (1) above.
- (3) Among the grounds on which an appeal may be brought under section 102 below against such a notice are—
 - (a) that it is not reasonably practicable to comply with the notice;
 - (b) that—

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- (i) the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and that the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
 - (ii) the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.
- (4) Where the grounds on which an appeal under section 102 below is brought include the ground specified in subsection (3)(b) above—
 - (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
 - (b) on the hearing of the appeal the court [^{F2}or tribunal] may make such order as it thinks fit with respect to—
 - (i) the contribution to be made by any such person towards the cost of the works, or
 - (ii) the proportion in which any expenses that may be recoverable by the local authority are to be borne by the appellant and any such other person.

Textual Amendments

- F2** Words in s. 70(4)(b) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 18](#); [S.I. 2023/993](#), reg. 2(o)(i) (with reg. 6)

Modifications etc. (not altering text)

- C1** [S. 70](#) applied (with modifications) (07. 08. 1991) by [S.I. 1991/1773](#), art. 8(2)(3), [Sch.2](#). [S. 70](#) applied (with modifications) (10. 01. 1992) by [S.I. 1991/2913](#), art. 8(2)(3), [Sch. 2](#).
- C2** [S. 70](#): certain functions transferred (07. 08. 1991) by [S.I. 1991/1773](#), art. 8(1)(3), [Sch.2](#). [S. 70](#): certain functions transferred (10. 01. 1992) by [S.I. 1991/2913](#), art. 8(1)(3), [Sch.2](#).

^{F3}71 Entrances, exits etc. to be required in certain cases.

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Textual Amendments

- F3** [S. 71](#) repealed (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), [Sch. 2 para. 33\(4\)](#), [Sch. 4](#) (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), [arts. 1\(1\), 2](#))

72 Means of escape from fire.

- (1) If it appears to a local authority, after consultation with the [^{F4}fire and rescue authority], that—
 - (a) a building to which this section applies is not provided, or
 - (b) a proposed building that will be building to which this section applies will not be provided,

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- with such means of escape in case of fire as the local authority, after such consultation, deem necessary from each storey whose floor is more that twenty feet above the surface of the street or ground on any side of the building, the authority shall by notice require the owner of the building, or, as the case may be, the person proposing to erect the building, to execute such work or make such other provision in regard to the matters aforesaid as may be necessary.
- (2) Sections 99 and 102 below apply in relation to a notice given under subsection (1) above in so far as it requires a person to execute works.
- (3) In so far as such a notice requires a person to make provision otherwise than by the execution of works, he is, if he fails to comply with the notice, liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a further fine not exceeding £2 for each day on which the offence continues after he is convicted.
- (4) In proceedings under subsection (3) above, it is open to the defendant to question the reasonableness of the authority’s requirements.
- (5) 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.
- (6) This section applies to a building that exceeds two storeys in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and that—
- ^{F5}(a)
- ^{F6}(b)
- ^{F6}(c)
- ^{F7}(7)

Textual Amendments	
F4	Words in s. 72(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)(f) ; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
F5	S. 72(6)(a) repealed (6.4.2007 for E.) by Housing Act 2004 (c. 34) , ss. 53(3), 270(4)(5)(a), Sch. 16 ; S.I. 2007/1068, art. 2
F6	S. 72(6)(b)(c) repealed (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) , art. 1(3), Sch. 2 para. 33(5)(a) , Sch. 4 (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484) , arts. 1(1), 2)
F7	S. 72(7) repealed (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) , art. 1(3), Sch. 2 para. 33(5)(b) , Sch. 4 (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484) , arts. 1(1), 2)

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73 Raising of chimney.

(1) Where, after the ^{M1}3rd October 1961 (which was the date of commencement of the relevant provisions of the Public Health Act 1961)—

- (a) a person erects or raises a building (in this section referred to as “the taller building”) to a greater height than an adjoining building, and
- (b) any chimneys or flues of an adjoining building are in a party wall between the two buildings or are six feet or less from the nearest part of the taller building,

the local authority may by notice—

- (i) require that person, within such time as may be specified in the notice, to build up those chimneys and flues, if it is reasonably practicable so to do, so that their top will be of the same height as the top of the chimneys of the taller building or the top of the taller building, whichever is the higher, and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him,

except that, if the said owner or occupier, within fourteen days from the date of service of the notice on him, serves on the first-mentioned person and on the local authority a notice (in this section referred to as a “counter-notice”) that he elects to carry out the work himself, the owner or occupier shall comply with the notice served under paragraph (i) above instead of the first-mentioned person and may recover the expenses reasonably incurred in so doing from that person.

(2) A person on whom a notice is served under paragraph (i) or paragraph (ii) of subsection (1) above may appeal to [^{F8}a magistrates’ court][^{F8}the appropriate court or tribunal].

(3) If—

- (a) a person on whom a notice is served under paragraph (i) of subsection (1) above fails to comply with the notice, except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building, or has refused to allow the carrying out of any such work as may be necessary to comply with the notice, or has served a counter-notice, or
- (b) a person on whom a notice is served under paragraph (ii) of subsection (1) above fails to comply with the notice or, having served a counter-notice, fails to comply with the notice served under paragraph (i) of that subsection,

he is liable on summary conviction to a fine not exceeding level 1 on the standard scale, and the local authority may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (1), and recover the expenses reasonably incurred in doing so from the person on whom that notice was served.

Textual Amendments

F8 Words in s. 73(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\(I\)](#); S.I. 2023/993, reg. 2(o)(i) (with [reg. 6](#))

Marginal Citations

M1 1961 c. 64.

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74 Cellars and rooms below subsoil water level.

- (1) No person shall without the consent of the local authority construct a cellar or room in, or as part of, a house, shop, inn, hotel or office if the floor level of the cellar or room is lower than the ordinary level of the subsoil water on, under or adjacent to the site of the house, shop, inn, hotel or office.
- (2) Subsection (1) above does not apply to—
 - ^{F9}(a)
 - (b) the construction of a cellar or room in connection with a shop, inn, hotel or office that forms part of a railway station.
- (3) If a person constructs a cellar or room in contravention of subsection (1) above, or of any condition attached to a consent under this section—
 - (a) he is liable on summary conviction to a fine not exceeding level 1 on the standard scale, and
 - (b) the local authority may by notice require him either to alter the cellar or room so that its construction will no longer contravene the said subsection or condition or, if he so elects, to fill it in or otherwise make it unusable.
- (4) Sections 99 and 102 below apply in relation to a notice given under subsection (3) above, subject to the following modifications—
 - (a) section 99(1) requires the notice to indicate the nature of the works of alteration and that of the works for making the cellar or room unusable, and
 - (b) section 99(2) authorises the local authority to execute, subject to that subsection, at their election either the works of alteration or the works for making the cellar or room unusable.
- (5) If the owner for the time being of the house, shop, inn, hotel or office causes or permits a cellar or room forming part of it to be used in a manner that he knows to be in contravention of a condition attached to a consent under this section, he is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Textual Amendments

- F9** S. 74(2)(a) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 92](#), [Sch. 7](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2) (with [art. 4](#))

Modifications etc. (not altering text)

- C3** S. 74(1) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), [Sch. 22 para. 5\(1\)](#)
- C4** S. 74(1) excluded (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), [Sch. 22 para. 5\(1\)](#)

75 Consents under s. 74.

- (1) A consent under section 74 above may be given subject to such conditions as to the construction or use of the premises as may be specified in it, and conditions specified in such a consent are binding on successive owners of the house, shop inn, hotel or office.
- (2) If a local authority—
 - (a) refuse an application for such a consent, or

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- (b) attach any conditions to such a consent,
 the person applying for the consent may appeal to [^{F10}a magistrates' court][^{F10}the appropriate court or tribunal] against the refusal or, as the case may be, against any of the conditions, and if [^{F10}a magistrates' court][^{F10}the appropriate court or tribunal] allows an appeal against a refusal to grant a consent it may direct the local authority to give their consent subject to such conditions, if any, as appear to the court [^{F11}or tribunal] to be appropriate.
- (3) An application may be made at any time to the local authority for the variation or withdrawal of a condition attached to such a consent, and, if the local authority refuse the application, the applicant may appeal to [^{F10}a magistrates' court][^{F10}the appropriate court or tribunal].

Textual Amendments

- F10** Words in s. 75(2)(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\(m\)](#); S.I. 2023/993, [reg. 2\(o\)\(i\)](#) (with [reg. 6](#))
- F11** Words in s. 75(2) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 6 para. 19](#); S.I. 2023/993, [reg. 2\(o\)\(i\)](#) (with [reg. 6](#))

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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\(4\)](#)