Building Act 1984

1984 CHAPTER 55

PART IV

GENERAL

Default powers

116   Default powers of Secretary of State.

(1) If the Secretary of State is satisfied that a local authority or joint board have failed to discharge their functions under this Act in a case in which they ought to have discharged them, he may make an order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, in such manner and within such time or times, as may be specified in the order.

(2) If a local authority or joint board with respect to whom an order has been made under subsection (1) above fail to comply with a requirement of the order within the time limited by the order for compliance with that requirement, the Secretary of State, in lieu of enforcing the order by mandamus or otherwise, may make an order tranferring to himself such of the functions of the body in default as may be specified in his order.

117   Expenses of Secretary of State.

(1) Where the Secretary of State has by order under section 116(2) above transferred functions to himself, any expenses incurred by him in discharging those functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Secretary of State—

(a)   shall be paid to him by the body in default on demand, and

(b)   is recoverable by him from it as a debt due to the Crown,

and that body has the like power of raising the money required as it has of raising money for defraying expenses incurred directly by it.

(2) The payment of such expenses as aforesaid is, to such extent as may be sanctioned by the Secretary of State, a purpose for which a local authority or joint board may borrow money in accordance with the statutory provisions relating to borrowing by such an authority or board.

118   Variations or revocation of order transferring powers.

(1) Where the Secretary of State has made an order under section 116(2) above, he may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done.

(2) Where an order is so revoked, the Secretary of State may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by him in discharging functions to which the revoked order related.

Changes to legislation:
Building Act 1984, Cross Heading: Default powers is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to :

–   s. 116 heading words substituted by 2022 c. 30 s. 45(2)(a)
–   s. 117 heading words substituted by 2022 c. 30 s. 45(3)(a)

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)