



Building Act 1984

1984 CHAPTER 55

PART IV

GENERAL

General provisions about appeals and applications

103 Procedure on appeal or application to [^{F1}magistrates' court][^{F1}appropriate court or tribunal].

(1) Where this Act provides—

- (a) for an appeal to a magistrates' court against a requirement, refusal or other decision of a local authority, or
- (b) for a matter to be determined by, or for an application in respect of a matter to be made to, a magistrates' court,

the procedure shall be by way of complaint for an order.

[^{F2}(1A) Subsections (2) and (3) apply—

- (a) where this Act provides for an appeal to the tribunal against a requirement, refusal or other decision of a relevant authority, and
- (b) in relation to an appeal of a kind mentioned in subsection (1)(a).]

(2) The time within which such an appeal may be brought is 21 days from the date on which notice of the [^{F3}local][^{F3}relevant] authority's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the [^{F4}application or] complaint is deemed to be the bringing of the appeal.

(3) In a case where such an appeal lies, the document notifying to the person concerned the [^{F5}local][^{F5}relevant] authority's decision in the matter shall state the right of appeal to [^{F6}a magistrates' court][^{F6}the appropriate court or tribunal] and the time within such an appeal may be brought.

[^{F7}(4) In this section "relevant authority" means a local authority or the regulator.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Building Act 1984. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 103 heading substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 25(6)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F2** S. 103(1A) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 25(2)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F3** Word in s. 103(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. 25(3)(a)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F4** Words in s. 103(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. 25(3)(b)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F5** Word in s. 103(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. 25(4)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F6** Words in s. 103(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(s)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F7** S. 103(4) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 25(5)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

104 Local authority [^{F8}or regulator] to give effect to appeal.

Where upon an appeal under this Act a court [^{F9}or tribunal] varies or reverses a decision of a local authority [^{F10}or the regulator], it is the duty of the local authority [^{F11}or regulator] to give effect to the order of the court [^{F9}or tribunal] and, in particular, to grant or issue any necessary consent, certificate or other document, and to make any necessary entry in any register.

Textual Amendments

- F8** Words in s. 104 heading inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 66(3)**; S.I. 2023/993, reg. 2(n)(xxv) (with reg. 4)
- F9** Words in s. 104 inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 26**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F10** Words in s. 104 inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 66(2)(a)**; S.I. 2023/993, reg. 2(n)(xxv) (with reg. 4)
- F11** Words in s. 104 inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 66(2)(b)**; S.I. 2023/993, reg. 2(n)(xxv) (with reg. 4)

105 Judge not disqualified by liability to rates.

A judge of a court [^{F12}or tribunal] or a justice of the peace is not disqualified from acting in cases arising under this Act by reason only of his being, as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, a rate or fund out of which expenses of a local authority are to be defrayed.

Textual Amendments

- F12** Words in s. 105 inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 27**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

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[^{F13}105A Enforcement of decisions of the First-tier and Upper Tribunal

- (1) A decision of the First-tier Tribunal or Upper Tribunal made under or in connection with this Act is enforceable with the permission of the county court in the same way as an order of that court.
- (2) Subsection (1) does not apply to a decision of the First-tier Tribunal or Upper Tribunal ordering the payment of a sum (as to which see section 27 of the Tribunals, Courts and Enforcement Act 2007 (enforcement)).]

Textual Amendments

F13 S. 105A inserted (1.10.2023) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(c), [Sch. 6 para. 29](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

Changes to legislation:

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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\(4\)](#)