



Building Act 1984

1984 CHAPTER 55

[^{F1}PART 2A

REGULATION OF BUILDING CONTROL PROFESSION

Operational standards rules

[^{F1}58Z5 Serious contravention notices

- (1) The regulatory authority may give a serious contravention notice to a local authority or a registered building control approver if it appears to the regulatory authority (following an investigation under section 58Z3 or otherwise) that the condition in subsection (2) or (3) is met.
- (2) The condition in this subsection is that—
 - (a) the local authority or registered building control approver has contravened operational standards rules, and
 - (b) as a result of the contravention the safety of persons in or about buildings has been, or may have been, put at risk.
- (3) This condition in this subsection is that the local authority or registered building control approver—
 - (a) has been given an improvement notice under section 58Z4, and
 - (b) has failed to remedy the contravention of operational standards rules in respect of which the notice was given.
- (4) A serious contravention notice is a notice requiring the local authority or registered building control approver to remedy the contravention in question by doing, or by refraining from doing, anything specified in the order.
- (5) A serious contravention notice may have effect—
 - (a) until it is revoked, or
 - (b) for a period specified in the notice.

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- (6) Where the regulatory authority gives a serious contravention notice, it must also give the local authority or registered building control approver a statement of the reasons for giving the notice.
- (7) Where the regulatory authority gives a serious contravention notice to a registered building control approver, in prescribed cases it must as soon as reasonably practicable provide copies of the notice and the statement—
 - (a) to each local authority in England, where the regulatory authority is the regulator, or
 - (b) to each local authority in Wales, where the regulatory authority is the Welsh Ministers.
- (8) Where the regulatory authority giving a serious contravention notice is the regulator, it must as soon as reasonably practicable provide copies of the notice and the statement of reasons to the Secretary of State.
- (9) The local authority or registered building control approver to whom the serious contravention notice is given may appeal to the appropriate court or tribunal against the notice.
- (10) A person who, without reasonable excuse, contravenes a serious contravention notice commits an offence and is liable on summary conviction to a fine.]

Textual Amendments

- F1** Pt. 2A inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 for specified purposes except in relation to W, 1.1.2024 for W. for specified purposes, 1.1.2024 for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 42, 170\(4\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(s\)](#); [S.I. 2023/914](#), [regs. 2\(b\)\(viii\), 4\(a\)\(b\)](#) (with [reg. 7](#)); [S.I. 2023/993](#), [reg. 2\(k\)](#)

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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\(4\)](#)