

## SCHEDULES

### FIRST SCHEDULE

Sections 6 and 11.

#### BUILDING REGULATIONS

#### PART I

#### RELAXATION FOR EXISTING WORK

##### *Interpretation*

- 1 This Part of this Schedule applies to any direction under this Act which will affect the application of building regulations to work which has been carried out before the giving of the direction.

##### *Cases where no direction may be given*

- 2 Neither the Minister nor a local authority shall give a direction to which this Part of this Schedule applies—
- (a) if the local authority have before the making of the application for the direction become entitled under subsection (3) of section sixty-five of the Public Health Act, 1936, to pull down, remove or alter the work to which the application relates, or
  - (b) if when the application is made there is in force an injunction or other direction given by a court which requires the work to be pulled down, removed or altered.

##### *Suspension of certain provisions while an application is pending*

- 3 (1) Subject to the following provisions of this Schedule, after the making of an application for a direction to which this Part of this Schedule applies, and until the application is withdrawn or finally disposed of, no notice shall be given under section sixty-five of the Public Health Act, 1936, as regards the work to which the application relates on the ground that it contravenes the requirement to which the application relates.
- (2) If an application for a direction to which this Part of this Schedule applies is made less than twelve months after the completion of the work to which the application relates, so much of subsection (4) of the said section sixty-five as prevents a notice being given more than twelve months after the completion of the work shall not prevent the giving of such a notice as regards that work at any time within the period of three months from the date on which the application is withdrawn or finally disposed of.
- (3) If an application for a direction to which this Part of this Schedule applies is made after a notice under the said section sixty-five has been given on the ground that the work to which the application relates contravenes the requirement to which

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the application relates (not being an application prohibited by paragraph 2 of this Schedule), subsection (3) of the said section sixty-five shall have effect in relation to that work as if for the reference to the period there mentioned there were substituted a reference to a period expiring twenty-eight days after the application is withdrawn or finally disposed of, or such longer period as a magistrates' court may allow.

- (4) Subject to the following provisions of this Schedule, if an application for a direction to which this Part of this Schedule applies is made after any person has, in consequence of the carrying out of the work to which the application relates in contravention of building regulations, become liable to a penalty continuing from day to day, the daily penalty shall not be recoverable in respect of any day after the making of the application and before it is withdrawn or finally disposed of.
- (5) In a case where an application is withdrawn or is finally disposed of without any direction being given, the Minister or, as the case may be, the local authority may order that the daily penalty shall not be recoverable in respect of any day during such further period not exceeding twenty-eight days as may be specified in the order.
- 4 Sub-paragraph (1), sub-paragraph (3) and sub-paragraph (4) of the last foregoing paragraph shall not apply to an application which is a repetition, or substantially a repetition, of a previous application under this Act.

*Saving for criminal liability incurred before making of application*

- 5 The giving of a direction to which this Part of this Schedule applies shall not affect the liability of any person for an offence committed before the giving of the direction except so far as that liability depends on the continuation of the offence after the giving of the direction.

*Termination of proceedings under section 65 of Act of 1936 on giving of a direction*

- 6 If before the giving of a direction to which this Part of this Schedule applies a notice has been given under section sixty-five of the Public Health Act, 1936, and the contravention of building regulations by virtue of which the notice was given comes to an end when the direction is given, the local authority shall not, after the giving of the direction, be entitled to proceed under subsection (3) of the said section sixty-five by virtue of that notice.

## PART II

### TRANSITIONAL PROVISIONS

- 7 Section sixty-eight of the Public Health Act, 1936 (which provides for the temporary operation of building byelaws), shall cease to have effect at the passing of this Act and, accordingly, until the date when the other provisions of this Act relating to building regulations come into force (hereafter in this Part of this Schedule referred to as " the appointed date ") building byelaws in force immediately before the passing of this Act shall continue in force, but subject to the power to make further building byelaws varying or revoking them.
- 8 (1) Any building byelaw in force immediately before the appointed date shall after the appointed date continue to apply in relation to—
- (a) plans which, in accordance with building byelaws, were deposited with a local authority before the appointed date, and

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- (b) work carried out in accordance with plans de-posed before the appointed date, with or without any departures or deviations from those plans, and
    - (c) work carried out and completed before the appointed date.
  - (2) Except as provided by the foregoing sub-paragraph, all building byelaws shall be repealed at the appointed date, but subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall apply in relation to the repeals effected by this sub-paragraph as it applies in relation to the repeal of any provision in an Act of Parliament.
- 9
- (1) Subject to the provisions of this paragraph, a local authority may, on an application made after the appointed date by any person (other than the local authority), and with the consent of the Minister, give a direction dispensing with or relaxing any requirement of building byelaws, and the Minister may, on such an application by a local authority, give such a direction in their favour.
  - (2) Subsection (4) of section six and sections seven and eight of this Act, and Part I of this Schedule, shall apply in relation to any application or direction under this paragraph as if references to building regulations included references to building byelaws, and as if an application or direction under this paragraph were an application or direction under the said section six.
  - (3) Any application for the relaxation of or dispensation with the requirements of a building byelaw under section sixty-three of the Public Health Act, 1936, which is pending at the appointed date shall have effect after the appointed date as if it were an application under sub-paragraph (1) of this paragraph.
  - (4) Where under the said section sixty-three notice of any proposed relaxation or dispensation has been given before the appointed date, no notice need be published or given under section eight of this Act as regards that relaxation or dispensation.
- 10
- The amendments made by section five of this Act and Part III of this Schedule in any enactment shall not apply so as to exclude from that enactment any reference to building byelaws as in force before the appointed date, or as continued in force by this Part of this Schedule.
- 11
- Subsection (2) of section ten of this Act shall not apply in relation to any plans deposited before the appointed date.

### **PART III**

#### CONSEQUENTIAL AMENDMENTS

##### *The Restriction of Ribbon Development Act, 1935*

##### *25 & 26 Geo. 5. c.47*

In section seventeen, in subsection (1), after the word " byelaw " there shall be inserted the words " or building regulations ".

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*The Public Health Act, 1936*

*26 Geo. 5 & 1 Edw. 8. c. 49*

In section twenty-five, in subsection (1), for the word " byelaws' there shall be substituted the word " regulations " .

In section thirty-seven, in subsection (1), for the word " byelaws " there shall be substituted the word " regulations" .

In section forty-three, in subsection (1), for the word " byelaws " there shall be substituted the word " regulations" .

In section fifty-three, in subsections (1) and (2), for the word " byelaws " wherever it occurs, there shall be substituted the word " regulations " and in subsection (7), for the words " A local authority may by their building byelaws " there shall be substituted the words " The Minister may by building regulations " , and for the words " in the byelaws " there shall be substituted the words " in the regulations" .

In section fifty-four, in subsection (1), for the word "byelaws" there shall be substituted the word " regulations" .

In section fifty-five, in subsection (1), for the word " byelaws" there shall be substituted the word " regulations" .

In section fifty-nine, in subsection (1) and paragraph (d) of subsection (5), for the word " byelaws " there shall be substituted the word " regulations" .

In section sixty-one, in subsection (1), for the words " Every local authority may and, if required by the Minister, shall make byelaws " there shall be substituted the words " The Minister shall, subject to the provisions of the Public Health Act, 1961, have power to make regulations " ; and in subsection (2) for the word " Byelaws " there shall be substituted the word " Regulations" .

In section sixty-two, in subsection (1) and paragraph (c) of subsection (2), for the word " byelaws " wherever it occurs there shall be substituted the word " regulations" .

In section sixty-four, for the words " byelaw" and " byelaws " wherever they occur there shall be substituted the words " regulation " and " regulations " respectively. In section sixty-five, for ' the words " byelaw " and " byelaws " wherever they occur there shall be substituted the words " regulation " and " regulations " respectively. In section sixty-six, in subsection (1), for the word "byelaws" wherever it occurs there shall be substituted the word " regulations" .

In section sixty-seven, for the word " byelaws " wherever it occurs there shall be substituted the word " regulations" .

In section seventy, in subsection (2), for the word " appended " there shall be substituted the word " kept" .

In section seventy-one, for the word " byelaws " wherever it occurs there shall be substituted the word " regulations" .

In section ninety, in subsections (2) and (3), for the word " byelaws " wherever it occurs there shall be substituted the word " regulations" .

In section one hundred and thirty-seven, in subsection (1) for the word " byelaws " there shall be substituted the word " regulations" .

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In section two hundred and sixty-nine, in subsection (8), in paragraph (i), for the words "the building byelaws of the local authority" there shall be substituted the words "building regulations".

In section two hundred and eighty-four, in subsection (2), after the word "byelaws" there shall be inserted the words "building regulations".

In section two hundred and eighty-seven, in subsection (1), after the word "byelaws" wherever it occurs there shall be inserted the words "or building regulations".

In section two hundred and eighty-eight, after the word "byelaw" there shall be inserted the words "building regulation".

In section two hundred and ninety-nine, after the word "byelaws" wherever it occurs there shall be inserted the words "or building regulations".

In section three hundred and forty-three, in subsection (1), for the word "byelaws" where it occurs for the first and second time there shall be substituted the word "regulations".

#### *The Civil Defence Act, 1939*

##### *2 & 3 Geo. 6. c. 31*

Section thirty-three shall be amended as follows—

- (a) in subsection (4), in paragraph (a), for the words from "relate to areas" to "were building byelaws" there shall be substituted the words "apply outside the administrative county of London as if the regulations were building regulations", and
- (b) in subsection (7), for the word "byelaws" there shall be substituted the word "regulations".

#### *The Clean Air Act, 1956*

##### *4. & 5 Eliz. 2. c. 52*

In section ten, for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section twenty-four, for the word "byelaws" there shall be substituted the word "regulations".

In section twenty-nine, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

The amendments of the said sections ten, twenty-four and twenty-nine do not affect the law in the administrative county of London or in Scotland and, accordingly, in subsection (6) of section thirty-two, and in subsection (1) of section thirty-four (which adapt the Act in its application to London and to Scotland) for the words "building byelaws" there shall be substituted the words "building regulations".

#### *The Housing Act, 1957*

##### *5. & 6 Eliz. 2 c. 56*

In section twelve, in subsection (4), after the words "building byelaws" there shall be inserted the words "or building regulations".

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In section twenty-nine, in subsection (2), after the words " building byelaws" there shall be inserted the words " or building regulations".

In section fifty-nine, in subsection (2), after the words " building byelaws" there shall be inserted the words " or building regulations ".

*The Highways Act, 1959*

*7 & 8 Eliz. 2. c. 25*

In section one hundred and ninety-two, in subsection (1), for the word " byelaws " there shall be substituted the word " regulations".

In section one hundred and ninety-three, in subsection (1), for the word " byelaws " there shall be substituted the word " regulations".

In section two hundred and thirteen, in subsections (1) and (2), for the word " byelaws" there shall be substituted the word " regulations ".