

## SCHEDULE 3

Regulation 3(1)

### MODIFICATIONS OF ENACTMENTS

#### *London Building Acts (Amendment) Act 1939*

1. Section 4(1) of the London Building Acts (Amendment) Act 1939 (interpretation)(1) shall have effect as if immediately before the definition of “noxious business” there were inserted the following definition—

“‘notice is given or plans are deposited’ means a building notice is given or full plans are deposited under regulation 11 of the Building Regulations 1985 or an initial notice or a public body’s notice is given under sections 47(1) or 54(1) of the Building Act 1984.”

2. Section 20 of that Act (precautions against fire in certain buildings and cubical extent of buildings) shall have effect as if for subsections (1) and (2) there were substituted the following subsections—

“(1) This section applies where—

- (a) a buildings is to be erected with a storey or part of a storey at a greater height than—
  - (i) 30 metres; or
  - (ii) 25 metres if the area of the building exceeds 930 square metres;
- (b) a building of the warehouse class, or a building or part of a building used for the purposes of trade or manufacture, exceeds 7,100 cubic metres in extent unless it is divided by division walls in such manner that no division of the building is of a cubical extent exceeding 7,100 cubic metres.

(2) A wall is a division wall for the purposes of subsection (1) of this section if—

- (a) it extends from its foundations to form a complete separation in one vertical plane between the divisions of the building or the parts of the building; and
- (b) it has a fire resistance of not less than four hours; and
- (c) any openings in the wall comply with the requirements of subsections (4A) and (4B) of section 21 of this Act; and
- (d) where the difference in height of any roofs which adjoin the wall is less than 375 millimetres either—
  - (i) the wall extends to a height above the roof of the highest building or part of the building which adjoins the wall of not less than 375 millimetres measured at right angles to the upper surface of that roof; or
  - (ii) any part of the roof within 1.5 metres of the wall is constructed so that—
    - (1) it is designated for purposes of resisting fire penetration and spread not less than the standard AA in British Standard 476; Part 3: 1958 published by the British Standards Institution;
    - (2) its deck is of solid or hollow slab construction of non-combustible materials not less than 100 millimetres in thickness; and
    - (3) The junction between it and the wall is fire-stopped by means of a seal of non-combustible materials provided to close any imperfection of fit so as to restrict penetration of smoke and flame.

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(1) 1984 c.xxvii.

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(2A) Subject to sub-section (2B) of this section, the Council may impose conditions for the provision and maintenance of—

- (a) fire alarms;
- (b) automatic fire detection systems;
- (c) fire extinguishing appliances and installations;
- (d) effective means of removing smoke in case of fire;
- (e) adequate means of access to the interior, exterior and site of the building for fire brigade personnel and appliances.

(2B) Paragraphs (a) to (c) of subsection (2A) of this section shall not apply to any building to which this section applies in respect of which a fire certificate issued by the Health and Safety Executive is for the time being required under the Health and Safety at Work etc. Act 1974<sup>(2)</sup>

(2C) The Council may impose additional conditions in respect of any special fire risk area for—

- (a) restricting the use of any such area in the building;
- (b) the provision and maintenance of proper arrangements for lessening so far as is reasonably practicable danger from fire in the building.

(2D) For the purposes of subsection (2C) of this section a “special fire risk area” includes an area—

- (a) where any of the following apparatus is installed—
  - (i) a heat producing appliance designed to produce in excess of 220 kilowatts of heat; or
  - (ii) a fixed internal combustion engine (including a gas turbine engine) designed to produce in excess of 44 kilowatts of power; or
  - (iii) electrical oil-cooled transformers or oil-filled switch gear each with an oil capacity in excess of 250 litres operating at a supply voltage in excess of 1,000 volts;
- (b) where any flammable or combustible solid, liquid or gaseous substances are manufactured, treated, handled or stored in quantities likely to constitute a fire hazard including—
  - (i) fuel oil, diesel oil or petroleum spirit;
  - (ii) nitrate film or celluloid;
- (c) where a cellulose or other flammable liquid spraying room is located; or
- (d) where any storey of a garage, vehicle park, loading bay or loading dock is located—
  - (i) in a basement; or
  - (ii) at ground level or above and is not adequately ventilated.

For the purposes of this paragraph a “basement” means a storey of which the floor is at any point more than 1.2 metres below the finished surface of the ground adjacent to it.

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(2) 1974 c. 37.

(2E) For the purposes of subsection (2D)(d) of this section, a storey is “adequately ventilated” if and only if—

- (a) it contains openings or ducts in its external enclosures which afford permanent ventilation from the external air; and
- (b) the openings or ducts are arranged on opposing faces so as to provide adequate cross ventilation to all parts; and
- (c) the unobstructed area of the openings or ducts is in total not less than five per cent. of the floor area of that storey of the garage, vehicle park, loading bay or loading dock.

(2F) The owner or occupier of a building to which this section applies shall, before or at the same time as any notice is given or plans are deposited in respect of the building, deposit at the County Hall two copies of plans of the building in accordance with regulations made by the Council.

(2G) The Council shall impose any conditions which it may impose under this section within five weeks from the date on which plans are deposited in respect of the building in accordance with this section or within such extended period as may before the expiration of the five weeks be agreed in writing between the person who deposited the plans and the Council.”.

3. Section 21 of that Act (uniting of buildings) shall have effect as if—

- (a) in subsection (2) the words “and any byelaws made in pursuance of those Acts” were omitted;
- (b) for subsection (4) there were substituted the following subsections—

“(4) Subject to the following provisions of this section where an opening is to be made in—

- (a) any division wall; or
- (b) any party wall; or
- (c) two external walls,

separating divisions of a building of the warehouse class or a building used for the purposes of trade or manufacture or separating such buildings and such divisions or buildings (as the case may be) if taken together would extend to more than 7,100 cubic metres, the Council may impose conditions under section 20 of this Act.

(4A) Subsection (4) of this section shall not apply if the condition in subsection (4B) of this section is satisfied and if—

- (a) the opening conforms with regulations made by the Council for the purposes of this section; or
- (b) the opening is protected from fire by doors or shutters which have a fire resistance of not less than four hours or such lesser period as the Council may specify; or
- (c) the opening satisfies the following conditions—
  - (i) its floor jambs and head are formed of brick, stone, iron or other incombustible materials;
  - (ii) it is closed by two wrought iron or mild steel doors, sliding doors or shutters each not less than 6 millimetres thick in the panel;
  - (iii) all such doors or shutters are located at a distance from each other of the full thickness of the wall, are fitted to grooved or rebated iron frames

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without woodwork of any kind and are fitted with sufficient and proper bolts or other fastenings which are capable of being opened from either side;

- (iv) all such doors or shutters have on each face styles and rails at least 100 millimetres wide and 6 millimetres thick and are constructed, fitted and maintained in an efficient condition;
- (v) it does not exceed 2.134 metres in width or 2.438 metres in height (or 2.896 metres in height in a wall of which the thickness is not less than 600 millimetres or where the doors, sliding doors or shutters closing the opening are placed at a distance of not less than 600 millimetres from each other).

(4B) The condition mentioned in subsection (4A) of this section is that the width of any opening in any wall of a storey (or if there is more than one such opening in any such wall the widths of all such openings taken together) shall not exceed one-half of the length of the wall.”

;and

- (c) in subsection (5) for the words “or any byelaws made in pursuance of those Acts” there were substituted the words “or the Building Regulations 1985.”.

4. Part IV of that Act (special and temporary buildings and structures) shall have effect as if for section 29 of that Act (application of Part IV) there were substituted the following section—

“29. The provisions of this Part of this Act shall apply to any structure or to any building other than a building—

- (a) to which the Building Regulations 1985 apply; or
- (b) which falls within Schedule 3 to the Building Regulations 1985 (exempt buildings and works); or
- (c) to which section 4 of the Building Act 1984 (exemption of educational buildings and buildings of statutory undertakers) applies.”.

5. Section 34 of that Act (protection against fire in certain new buildings) shall have effect as if—

- (a) in subsection (1) immediately before paragraph (B) of proviso (ii) there were inserted the following paragraph—

“(A) a building to which paragraph B1 of Schedule 1 to the Building Regulations 1985 (means of escape in case of fire) applies or would apply but for a direction under section 8 or 11 of the Building Act 1984; or”

; and

- (b) for subsection (2) there were substituted the following subsection—

“(2) The owner of any building to which subsection (1) of this section applies shall, before or at the same time as any notice is given or plans are deposited in respect of the building, deposit at the County Hall two copies of the plans prepared for the new building showing so far as may be necessary for the purposes of this section the means of escape proposed to be provided in connection with the building.”.

6. Section 46 of that Act (rights of owners of adjoining lands where junction line built on) shall have effect as if—

- (a) in subsection (1)(b), (c) and (d) for the words “or any byelaws made in pursuance of those Acts” in each place where they occur there were substituted the words “or the Building

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Regulations 1985” and for the words “in conformity therewith” in each place where they occur there were substituted the words “in conformity with those regulations”; and

- (b) in subsection (2) the words “building or” were omitted and for the words from “commencement of this Act” to the words “and any byelaws made in pursuance of those Acts” in the first place where they occur there shall be substituted the words “6th January 1986 shall be deemed to be in conformity with the London Building Acts and a building which was erected before that date shall be deemed to be in conformity with those Acts and the Building Regulations 1985.”.

7. Section 51(3)(a) of that Act (execution of works) shall have effect as if for the words “any byelaws made in pursuance of those Acts” there were substituted the words “the Building Regulations 1985”.

8. Section 82 of that Act (duties of district surveyors) shall have effect as if—

- (a) for subsection (1) there were substituted the following subsection—

“(1) Every building, structure or work affected by the London Building Acts shall be subject to the supervision of the district surveyor in accordance with those Acts.”.

- (b) for subsection (2) there were substituted the following subsection—

“(2) Where a building, structure or work is affected by any provision of the London Building Acts and—

- (a) a notice is given or plans are deposited in respect of it; or
- (b) it comes to the attention of the district surveyor that a notice has not been given or plans have not been deposited in respect of it,

the district surveyor shall survey the building, structure or work placed under his supervision as often as may be necessary for securing the due observance of those Acts.”

; and

- (c) in subsection (3) the words “or of any byelaws made in pursuance of those Acts” were omitted.

9. Section 87 of that Act (service of notice of objection) shall have effect as if for the words from the beginning to the words “or any such byelaws” there were substituted the words “Where a notice is given or plans are deposited in respect of a building which is affected by the provisions of the London Building Acts and it appears from that notice or those plans that the building will contravene the provisions of those Acts or that anything required by those Acts”.

10. Section 88 of that Act (service of notice of irregularity) shall have effect as if—

- (a) in paragraph (a) the words “or of any byelaws made in pursuance of those Acts” and the words “or any such byelaws” were omitted;
- (b) in paragraph (b) for the words “notice has not been served as required by” there were substituted the words “a notice has not been given or plans have not been deposited and which is affected by any provisions of”; and
- (c) the words “or byelaws” in each place where they occur were omitted.

11. Section 89 of that Act (notice of irregularity after completion of building work etc.) shall have effect as if—

- (a) in subsection (1) after the words “notwithstanding that a building or structure” there were inserted the words “which is affected by any provision of the London Building Acts”;
- (b) in subsection (2) for the words from the beginning to the words “made in pursuance of those Acts” there were substituted the words—

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“Where any building, or structure has been erected or work has been done and it is affected by any provision of the London Building Acts but notice has not been given and plans have not been deposited.”

**12.** Section 94 of that Act (accrual of fees) shall have effect as if—

- (a) in subsection (1), paragraphs (a) and (b) were omitted and for the words from “erecting the building or structure” onwards there were substituted the words “doing anything in respect of which any special service has been performed by the district surveyor or from the owner or occupier of the building or structure in respect of which the service has been performed or of the land upon which or in respect of which the service has been performed”;
- (b) subsection (3) were omitted.

**13.** Section 95 of that Act (remission or abatement of fees) shall have effect as if after the words “the amount of any fee” there were inserted the words “in respect of a dangerous or neglected structure”.

**14.** Section 96 of that Act (recovery of fees under London Building Acts) shall have effect as if—

- (a) in subsection (1) after the words “recovery of fees” there were inserted the words “in respect of a dangerous or neglected structure”;
- (b) subsection (2) were omitted.

**15.** Section 138 of that Act (party walls etc. to be taken down for rebuilding) shall have effect as if for the words “or any byelaws made in pursuance of those Acts” in the first place where they occur there were substituted the words “or the Building Regulations 1985” and the words “or of any byelaws made in pursuance of those Acts” were omitted.

**16.** Section 144 of that Act (power to annex conditions to consents etc.) shall have effect as if—

- (a) in subsection (1)—
  - (i) the words from the beginning to the words “the Act of 1930” and the words “or of any byelaws made in pursuance of those Acts” were omitted;
  - (ii) after the words “and any such terms and conditions” there were inserted the words “and any conditions imposed under section 20 of this Act”; and
  - (iii) at the end there were added the words “or the conditions imposed.”
- (b) in subsection (2) the words “or any byelaws made in pursuance of those Acts” were omitted and after the words “shall when accepted” there were inserted the words “, and any conditions imposed under section 20 of this Act shall in any event.”;
- (c) in subsection (3) after the words “London Building Acts” there were inserted the words “or under any conditions imposed under section 20 of this Act” and the words “or any byelaws made in pursuance of those Acts” were omitted;
- (d) in subsections (5) and (6) the words “or of any byelaws made in pursuance of those Acts” were omitted.

**17.** Section 145 of that Act (regulations as to submission of plans etc.) shall have effect as if—

- (a) in subsection (1)—
  - (i) the words “or any byelaws made in pursuance of those Acts” were omitted;
  - (ii) in paragraph (b) the words “or of any byelaws made in pursuance of those Acts” were omitted; and
  - (iii) after paragraph (b) there were inserted the following paragraph “(c) conditions may be imposed under section 20 of this Act”; and
- (b) in subsection (2) the words “or byelaws” were omitted.

(c) after subsection (3) there were added the following subsections—

“(4) The regulations made by the Council in April 1949 in pursuance of this section with respect to the plans, elevations, sections and relevant particulars to be submitted where, before 6th January 1986 the consent of the Council was required under sections 20 and 21 of this Act to the provision of steel rolling shutters, shall continue to apply after 6th January 1986 for the purposes of sections 20 and 21 of this Act as those sections are modified by the Building (Inner London) Regulations 1985 and as if the consent of the Council to the provision of those shutters were still required.

(5) The regulations made by the Council on 2nd July 1974 in pursuance of this section with respect to the plans, elevations, sections and relevant particulars to be submitted for the purposes of Part IV of this Act, shall continue to apply after 6th January 1986 for the purposes of that Part of this Act as it is modified by the Building (Inner London) Regulations 1985.

(6) The regulations made by the Council on 2nd July 1974 in pursuance of this section with respect to the plans and relevant particulars to be submitted in any case in which the consent of the Council or an inner London borough council is required, shall continue to apply after 6th January 1986 to the sections of those Acts mentioned in those regulations as those sections are modified by the Building (Inner London) Regulations 1985 and, in the case of buildings to which section 20 of this Act applies, as if the consent of the Council under that section were still required.”

**18.** Section 148 of that Act (offences against Act) shall have effect as if—

(a) in the table to subsection (2)—

(i) in paragraph (ix) the words “term or” and the words “in giving any consent” were omitted, and after the words “cubical extent of buildings) or” there were inserted the words “any term or condition imposed by the Council in giving any consent under”;

(ii) paragraphs (x), (xxii) and (xxiii) were omitted; and

(iii) in paragraph (xxxvi) the words “or of any byelaws made in pursuance of those Acts” were omitted;

(b) paragraph (iii) of the table to subsection (3) were omitted; and

(c) in section 148(4) the words “or under any byelaws made in pursuance of those Acts” were omitted.

#### *London County Council (General Powers) Act 1955*

**19.** Section 11 of the London County Council (General Powers) Act 1955 (power to council to make byelaws as to fees) shall have effect as if—

(a) at the end of subsection (1) there were inserted the words “in connection with any dangerous or neglected structure”; and

(b) in subsection (2) for the words from “section 93” to the words “First and Second Schedules” there were substituted the words “the First Schedule”.

#### *Building Act 1984*

**20.** In paragraph 1 of Schedule 3 to the Building Acts 1984 section 4 shall be omitted.