
STATUTORY INSTRUMENTS

2000 No. 2532

The Building (Approved Inspectors etc.) Regulations 2000

PART VI

CESSATION OF EFFECT OF INITIAL NOTICE

Events causing initial notice to cease to be in force

18.—(1) Where a final certificate given in respect of work described in an initial notice is rejected, the initial notice shall cease to be in force in relation to the work described in the final certificate on the expiry of a period of four weeks beginning with the date on which notice of rejection is given.

(2) Where work described in an initial notice includes the erection, extension or material alteration of a building, and—

- (a) the building or, as the case may be, the extension or any part of the building which has been materially altered is occupied, and
- (b) no final certificate is given,

the initial notice shall cease to be in force in relation to the building, extension or part of a building which is occupied—

- (i) if the building is to be put to a relevant use as defined by regulation 13(1)(a), on the expiry of a period of four weeks beginning with the date of occupation; and
- (ii) in any other case, on the expiry of a period of eight weeks beginning with the date of occupation.

(3) Where work described in an initial notice involves a material change of use of a building, and—

- (a) no final certificate is given, and
- (b) that change of use takes place,

the initial notice shall cease to be in force in relation to that change of use on the expiry of a period of eight weeks beginning with the date on which the change of use takes place.

(4) In any other case where no final certificate is given, an initial notice ceases to be in force on the expiry of a period of eight weeks beginning with the date on which the work described in the initial notice is substantially completed.

(5) An initial notice shall not cease to be in force by virtue of paragraph (2) because part of a building or extension is occupied if a final certificate has been accepted in respect of that part.

(6) A local authority may extend any period referred to in this regulation either before or after its expiry.

Cancellation of initial notice

19.—(1) Where an approved inspector is of the opinion that any of the work described in an initial notice which has been carried out contravenes any provision of building regulations, he may give notice in writing to the person carrying out the work specifying—

- (a) the requirement of building regulations which in his opinion has not been complied with, and
- (b) the location of the work which contravenes that requirement.

(2) A notice of contravention given in accordance with paragraph (1) shall inform the person carrying out the work that if within the prescribed period he has neither pulled down nor removed the work nor effected such alterations in it as may be necessary to make it comply with building regulations, the approved inspector will cancel the initial notice.

(3) The period within which the person carrying out the work is to remedy the contravention as described in paragraph (2) is three months beginning with the day on which the notice is given.

(4) Form 6 in Schedule 2 is the form of notice to be given by an approved inspector to cancel an initial notice in accordance with section 52(1) of the Act in circumstances referred to in section 52(2) of the Act; where notice of a contravention has been given under that subsection and no further initial notice relating to the work has been accepted, that notice shall specify the contravention.

(5) Form 7 in Schedule 2 is the form of notice to be given by a person carrying out or intending to carry out work to cancel an initial notice in accordance with section 52(3) of the Act.

(6) Form 8 in Schedule 2 is the form of notice to be given by the local authority to cancel an initial notice in accordance with section 52(5) of the Act.

Local authority powers in relation to partly completed work

20.—(1) This paragraph applies where—

- (a) any part of the work described in an initial notice has been carried out,
- (b) the initial notice has ceased to be in force, by reason of regulation 18 or has been cancelled by notice under section 52 of the Act, and
- (c) no other initial notice relating to that part of the work has been accepted.

(2) Where paragraph (1) applies, the owner shall—

- (a) on being given reasonable notice by the local authority, provide them with—
 - (i) sufficient plans of the work carried out, in respect of which no final certificate has been given, to show whether any part of that work would, if carried out in accordance with the plans, contravene any provision of the Principal Regulations, and
 - (ii) where a plans certificate was given and not rejected in respect of any such part of the work, a copy of the plans to which it relates; and
- (b) comply with any notice in writing from the local authority requiring him within a reasonable time to cut into, lay open or pull down so much of the work as prevents the local authority from ascertaining whether any work in relation to which there is no final certificate contravenes any requirement in the Principal Regulations.

(3) Where paragraph (1) applies and work in relation to a building has been begun but not completed, a person who intends to carry out further work in relation to the partly completed work shall give the local authority sufficient plans to show that the intended work will not contravene any requirement in the Principal Regulations, including such plans of any part of the work already carried out as may be necessary to show that the intended work can be carried out without contravening any such requirement.

(4) Plans given to a local authority in accordance with paragraph (3) are not to be regarded as plans deposited in accordance with building regulations.