



# Building Act 1984

## 1984 CHAPTER 55

### PART III

#### OTHER PROVISIONS ABOUT BUILDINGS

##### *Provision of sanitary conveniences*

#### **64 Provision of closets in building.**

- (1) If it appears to a local authority—
  - (a) that a building is without sufficient closet accommodation,
  - (b) that a part of a building, being a part that is occupied as a separate dwelling, is without sufficient closet accommodation, or
  - (c) that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,the authority shall, by notice to the owner of the building, require him to provide the building with such closets or additional closets, or such substituted closets, being in each case either water-closets or earth-closets, as may be necessary.
- (2) Unless a sufficient water supply and sewer are available, the authority shall not require the provision of a water-closet except in substitution for an existing water-closet.
- (3) Sections 99 and 102 below apply in relation to a notice given under subsection (1) above.
- (4) Among the grounds on which an appeal may be brought under section 102 below against such a notice is that—
  - (a) the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and

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- (b) the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.
- (5) Where the grounds on which an appeal under section 102 below is brought include the ground specified in subsection (4) above—
  - (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
  - (b) on the hearing of the appeal the court [<sup>F1</sup>or tribunal] may make such order as it thinks fit with respect to—
    - (i) the contribution to be made by any such person towards the cost of the works, or
    - (ii) the proportion in which any expenses that may be recoverable by the local authority are to be borne by the appellant and any such other person.
- (6) This section does not apply to—
  - (a) a factory,
  - (b) a building that is used as a workplace, or
  - (c) premises to which the <sup>M1</sup>Offices, Shops and Railway Premises Act 1963 applies.

#### Textual Amendments

- F1** Words in s. 64(5)(b) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 17](#); [S.I. 2023/993](#), reg. 2(o)(i) (with reg. 6)

#### Modifications etc. (not altering text)

- C1** [S. 64\(1\)](#) applied (with modifications) (07. 08. 1991) by [S.I. 1991/1773](#), art. 8(2)(3), [Sch.2](#). [S. 64\(1\)](#) applied (with modifications) (10. 01. 1992) by [S.I. 1991/2913](#), art. 8(2)(3), [Sch.2](#).
- C2** [S. 64\(1\)](#): certain functions transferred (07. 08. 1991) by [S.I. 1991/1773](#), art. 8(1)(3), [Sch.2](#). [S. 64\(1\)](#): certain functions transferred (10. 01. 1992) by [S.I. 1991/2913](#), art. 8(1)(3), [Sch.2](#).

#### Marginal Citations

- M1** [1963 c. 41](#).

## 65 Provision of sanitary conveniences in workplace.

- (1) A building that is used as a workplace shall be provided with—
  - (a) sufficient and satisfactory accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building, and
  - (b) where persons of both sexes are employed or in attendance, sufficient and satisfactory separate accommodation for persons of each sex, unless the local authority are satisfied that in the circumstances of the particular case the provision of such separate accommodation is unnecessary.
- (2) If it appears to the local authority that subsection (1) above is not complied with in the case of any building, they shall by notice require the owner or the occupier of the building to make such alterations in the existing conveniences, and to provide such additional conveniences, as may be necessary.

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- (3) Sections 99 and 102 below apply in relation to a notice given under subsection (2) above.
- (4) This section does not apply to premises to which the Offices, Shops and Railway Premises Act 1963 applies.

**Modifications etc. (not altering text)**

- C3** S. 65 applied (with modifications) (07. 08. 1991) by S.I. 1991/1773, art. 8(2)(3), Sch.2.S. 65 applied (with modifications) (10. 01. 1992) by S.I. 1991/2913, art. 8(2)(3), Sch. 2.
- C4** S. 65: certain functions transferred (07. 08. 1991) by S.I. 1991/1773, art. 8(1)(3), Sch. 2.S. 65: certain functions transferred (10. 01. 1992) by S.I. 1991/2913, art. 8(1)(3), Sch.2.

**66 Replacement of earth-closets etc.**

- (1) If a building has a sufficient water supply and sewer available, the local authority may, subject to this section, by notice to the owner of the building require that any closets, other than water-closets, provided for, or in connection with, the building shall be replaced by water-closets, notwithstanding that the closets are not insufficient in number and are not prejudicial to health or a nuisance.
- (2) A notice under subsection (1) above shall—
- (a) require the owner to execute the necessary works, or
  - (b) require that the authority themselves shall be allowed to execute them, and shall state the effect of subsection (3) below.
- (3) Where the local authority give a notice under subsection (1) above—
- (a) if it requires the owner to execute the works, the owner is entitled to recover from them one-half of the expenses reasonably incurred by him in the execution of the works, and
  - (b) if it requires that they shall be allowed to execute the works, they are entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works.
- (4) Where the owner of a building proposes to provide it with a water-closet in substitution for a closet of any other type, the local authority may, if they think fit, agree to pay him a part, not exceeding one-half, of the expenses reasonably incurred in effecting the replacement, notwithstanding that a notice has not been given by them under subsection (1) above.
- (5) Sections 99 and 102 below apply in relation to a notice given under subsection (1) above, subject to the following modifications—
- (a) no appeal lies on the ground that the works are unnecessary, and
  - (b) any reference in the said section 99 to the expenses reasonably incurred in executing works is a reference to one-half of those expenses.

**67 Loan of temporary sanitary conveniences.**

- (1) A local authority may, at the request of the occupier of any premises connected with a cesspool, sewer or drain on which any work of maintenance, improvement or repair

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that necessitates the disconnection of the sanitary conveniences provided for or in connection with the premises is to be carried out—

- (a) by a local authority, or
- (b) by the owner or occupier of the premises in pursuance of section 59 above, supply on loan temporary sanitary conveniences in substitution for any sanitary conveniences so disconnected.

(2) Subject to the following provisions of this section, the local authority may make reasonable charges for supplying, removing and cleansing any temporary sanitary conveniences lent under this section for more than seven days.

(3) No charge may be made under subsection (2) above—

- (a) for the use of the temporary sanitary conveniences for the first seven days, or
- (b) in a case where the work is made necessary by a defect in a public sewer . . . <sup>F2</sup>

(4) No charge may be made under subsection (2) above where the work is made necessary—

- (a) . . . . . <sup>F3</sup>
- (b) by a defect in a cesspool, private sewer or drain in respect of which the local authority have served a notice under section 59 above,

but, if the temporary sanitary conveniences are provided for a period of more than seven days, the reasonable expenses of supplying, removing and cleansing them are recoverable from the owner of the premises (but not any charge for the use of them for the first seven days).

(5) In proceedings to recover expenses under subsection (4) above, the court may—

- (a) inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and
- (b) make such order concerning the expenses or their apportionment as appears to the court to be just,

but the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had notice of the proceedings and an opportunity of being heard.

#### Textual Amendments

- F2** Words repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. 1](#)
- F3** S. 67(4)(a) repealed by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), [Sch. 26](#) paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, [Sch. 27 Pt. 1](#)

## 68 Erection of public conveniences.

(1) No person shall erect a public sanitary convenience in, or so as to be accessible from, a street without the consent of the local authority, who may give their consent upon such terms as to the use of the convenience or its removal at any time, if required by them, as they think fit.

(2) A person who contravenes subsection (1) above is liable on summary conviction to a fine not exceeding level 1 on the standard scale, without prejudice to the right of the authority under subsection (4) below to require the convenience to be removed.

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- (3) A person aggrieved by the refusal of a local authority to give a consent under subsection (1) above, or by any terms imposed by them, may appeal to [<sup>F4</sup>a magistrates' court][<sup>F4</sup>the appropriate court or tribunal].
- (4) The local authority may by notice require—
- (a) the owner of a sanitary convenience—
    - (i) that has been erected in contravention of subsection (1) above, or
    - (ii) that the authority are, by virtue of the terms of a consent given under that subsection, entitled to require to be removed,to remove it, or
  - (b) the owner of a sanitary convenience that opens on a street, and is so placed or constructed as to be a nuisance or offensive to public decency, to remove it or permanently close it.
- (5) Sections 99 and 102 below apply in relation to a notice given under subsection (4) above.
- (6) in this section, a reference to a local authority, in relation to a street that is a highway for which the local authority are not the highway authority, is a reference to the highway authority.
- (7) Subsection (1) above does not apply to a sanitary convenience erected—
- (a) by a railway company within their railway station or its yard or approaches, or
  - (b) by dock undertakers in or on land that belongs to them and is held or used by them for the purposes of their undertaking.
- (8) This section does not affect the powers of—
- (a) a county council . . . <sup>F5</sup> under section 87 of the <sup>M2</sup>Public Health Act 1936,
  - (b) the [<sup>F6</sup>appropriate national authority] under section 112 of the <sup>M3</sup>Highways Act 1980, or
  - (c) a county council under section 114(1) of the Highways Act 1980.

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#### Textual Amendments

- F4** Words in s. 68(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\(k\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F6** Words in s. 68(8)(b) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 50](#); S.I. 2022/561, reg. 3(f), [Sch. para. 26](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 19](#)
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#### Marginal Citations

- M2** 1936 c. 49.
- M3** 1980 c. 66.

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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\(4\)](#)