



# Building Act 1984

## 1984 CHAPTER 55

### PART IV

#### GENERAL

##### *Execution of works*

#### **97 Power to execute work.**

A local authority may, by agreement with the owner or occupier of any premises, themselves execute at his expense—

- (a) any work that they have under this Act required him to execute, or
- (b) any work in connection with the construction, laying, alteration or repair of a sewer or drain that he is entitled to execute,

and for that purpose they have all the rights that he would have.

#### **98 Power to require occupier to permit work.**

If, on a complaint made by the owner of premises, it appears to a magistrates' court that the occupier of those premises prevents the owner from executing any work that he is by or under this Act required to execute, the court may order the occupier to permit the execution of the work.

#### **99 Content and enforcement of notice requiring works.**

- (1) A notice in relation to which it is declared by any provision of this Act that this section applies shall indicate the nature of the works to be executed and state the time within which they are to be executed.
- (2) Subject to any right of appeal conferred by section 102 below, if the person required by such a notice to execute works fails to execute them within the time limited by the notice—

*Status: Point in time view as at 22/07/2008.*

*Changes to legislation: Building Act 1984, Cross Heading: Execution of works is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in doing so, and
  - (b) without prejudice to that power, he is liable on summary conviction to a fine not exceeding level 4 on the standard scale and to a further fine not exceeding £2 for each day on which the default continues after he is convicted.
- (3) This section has effect subject to any modification specified in the provision under which the notice is given.

## 100 Sale of materials.

- (1) A local authority may sell any materials that—
- (a) have been removed by them from any premises, including a street, when executing works under this Act or otherwise carrying this Act into effect, and
  - (b) are not before the expiration of three days from the date of their removal claimed by the owner and taken away by him.
- (2) Where a local authority sell materials under this section, they shall pay the proceeds to the person to whom the materials belonged, after deducting the amount of any expenses recoverable by them from him.
- (3) This section does not apply to refuse removed by a local authority.

## 101 Breaking open of streets.

- (1) For the purposes of any section of this Act that confers powers on local authorities to construct, lay or maintain sewers, drains or pipes, [<sup>F1</sup>[<sup>F2</sup>section 158 of the Water Industry Act 1991] (street works) shall apply, with the necessary modifications, as [<sup>F3</sup>it applies] for the purpose of conferring power on a water undertaker or sewerage undertaker to lay a relevant pipe, within the meaning of [<sup>F4</sup>that section] .]
- [<sup>F5</sup>(2) [<sup>F6</sup>That section] shall also so apply so far as necessary for the purposes of any power to lay or maintain a sewer or drain which is conferred by this Act on a person other than a local authority.]

### Textual Amendments

- F1** Words in s. 101(1) substituted 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. 25 para. 70(3)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F2** words in s. 101(1) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(5)(a)**.
- F3** Words in s. 101(1) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(5)(a)**.
- F4** Words in s. 101(1) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(5)(a)**.
- F5** S. 101(2) substituted 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. 25 para. 70(3)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F6** Words in s. 101(2) substituted (1.12.1991) by Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(1), 4(2), **Sch. 1 para. 39(5)(b)**.

**Status:**

Point in time view as at 22/07/2008.

**Changes to legislation:**

Building Act 1984, Cross Heading: Execution of works is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.