
STATUTORY INSTRUMENTS

1996 No. 1905

The Deregulation (Building) (Initial Notices and Final Certificates) Order 1996

Amendment of Initial Notices

2. After section 51 of the Building Act 1984 (“the 1984 Act”) there shall be inserted—

“Variation of work to which initial notice relates.

51A.—(1) This section applies where it is proposed that the work to which an initial notice relates should be varied.

(2) If—

- (a) a notice in the prescribed form (called an “amendment notice”)—
 - (i) is given to the local authority by whom the initial notice was accepted, and
 - (ii) is jointly given by the approved inspector who gave the initial notice and by the person shown in the amendment notice as the person intending to carry out the relevant work,
- (b) the amendment notice is accompanied by such plans of the proposed variation as may be prescribed,
- (c) the amendment notice is accompanied by such evidence as may be prescribed that—
 - (i) a scheme approved for the purposes of section 47 above applies, or
 - (ii) the insurance cover prescribed for those purposes has been, or will be provided, in relation to the relevant work, and
- (d) the amendment notice—
 - (i) is accepted by the local authority giving notice of acceptance within the prescribed period to each of the persons by whom the amendment notice was given, or
 - (ii) is deemed to have been accepted by the local authority by virtue of subsection (5) below,

the work to which the initial notice relates shall be treated as varied as proposed in the amendment notice.

(3) A local authority to whom an amendment notice is given—

- (a) may not reject the notice except on prescribed grounds, and—
- (b) shall reject the notice if any of the prescribed grounds exists.

(4) Where the relevant work is of such a description that, if plans of it had been deposited with the local authority, the authority could, under any enactment, have imposed requirements as a condition of passing the plans, the local authority may impose the like requirements as a condition of accepting the amendment notice.

(5) Unless, within the prescribed period, the local authority to whom an amendment notice is given give notice of rejection, specifying the ground or grounds in question, to each of the persons by whom the notice was given, the authority is conclusively presumed to have accepted it and to have done so without imposing any such requirements as are referred to in subsection (4) above.

(6) Section 47(5) shall apply in relation to the form prescribed for an amendment notice as it applies in relation to the form prescribed for an initial notice.

(7) In this section, references to the relevant work are to the work to which the initial notice, as proposed to be varied, relates.

Effect of amendment notice

51B.—(1) For the purposes of the enactments specified in section 48(3) above—

- (a) the giving of an amendment notice accompanied by such plans as are referred to in section 51A(2)(b) above shall be treated as the deposit of plans,
- (b) the acceptance or rejection of an amendment notice shall be treated as the passing, or, as the case may be, the rejection of plans,
- (c) where an initial notice is varied by an amendment notice, the deposited plans shall be treated—
 - (i) as including the plans accompanying the amendment notice, and
 - (ii) as excluding such of the plans previously treated as the deposited plans as are superseded by the plans accompanying the amendment notice, and
- (d) where an initial notice has been varied by an amendment notice, the cancellation of the initial notice under section 52(5) below shall be treated as a declaration under section 32 above that the deposit of plans constituted by the giving of the amendment notice is of no effect.

(2) For the purposes of sections 9D and 13 of the Fire Precautions Act 1971 (exercise of fire authority's powers where provisions of building regulations as to means of escape apply), the acceptance by a local authority of an amendment notice relating to any work shall be treated as the deposit of plans of the work with the authority in accordance with building regulations.

Change of person intending to carry out work

51C.—(1) This section applies where it is proposed that the work to which an initial notice relates should be carried out by a different person.

(2) If—

- (a) the approved inspector who gave the initial notice, and
- (b) the person who now proposes to carry out the work to which the initial notice relates,

jointly give written notice of the proposal to the local authority by whom the initial notice was accepted, the initial notice shall be treated as showing as the person intending to carry out the work to which it relates the person mentioned in the notice under this section.”