



## 2009 CHAPTER 4

### **Type approval**

6.—(1) In Article 8 of the principal Order (power of Department to approve types of building, etc.)—

- (a) for the heading substitute “Power of district councils to approve types of building, etc.”;
- (b) in paragraph (1) for “the Department, either on an application made to it or of its own accord” substitute “a district council, on an application made to it”;
- (c) after paragraph (3) insert—

“(3A) Before approving a type of building matter as complying with particular requirements of building regulations, either generally or in any class of case, a district council shall consult with such persons as may be prescribed.”;
- (d) in paragraph (4)—
  - (i) for “the Department” substitute “a district council”;
  - (ii) for “may” substitute “shall”;
- (e) for paragraph (7) substitute—

“(7) A district council may vary a certificate issued by it under this Article either on an application made to it or of its own accord and, except where it varies the certificate on the application of the person who applied for the certificate under paragraph (1), shall before varying it give that person reasonable notice that it proposes to do so.”;
- (f) paragraphs (8), (9) and (13) are omitted;
- (g) in paragraph (10)—

- (i) for “the Department” substitute “a district council”;
  - (ii) the words “or revokes” are omitted;
  - (iii) for “manner as it thinks fit” substitute “manner as may be prescribed”;
  - (h) in paragraph (11) the words “or revoked” are omitted;
  - (i) in paragraph (12) for “in any way that the Department thinks fit” substitute “in such manner as may be prescribed”.
- (2) In Article 17 of the principal Order (appeals to the Department)—
- (a) after paragraph (2) insert—

“(2A) Where, on an application made to it under paragraph (1) of Article 8, a district council does not, within such period as may be prescribed, approve any particular type of building matter as complying with particular requirements of building regulations, the applicant may, by notice in writing, appeal to the Department within such period as may be prescribed.”;
  - (b) in paragraph (4) for “paragraph (1)” substitute “this Article”;
  - (c) in paragraph (5) after sub-paragraph (a), omit “and” and insert—

“(aa) may, in the case of an appeal under paragraph (2A), approve any particular type of building matter as complying with particular requirements of building regulations; and”.