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## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS OF ENACTMENTS RELATING TO BUILDING REGULATIONS

##### PART I

##### AMENDMENTS

###### *Amendments of Public Health Act 1961*

- 4 In section 4 of the 1961 Act (power to make building regulations)—
- (a) in subsection (2) (power to make different provision for different areas) at the end add " and generally different provision for different circumstances or cases "; and
  - (b) in subsection (6) (penalties for contravening building regulations) after " building regulations" insert " other than a provision designated in the regulations as one to which this subsection does not apply, ", and for " one hundred pounds " and " ten pounds " substitute respectively " £400 " and "£50".
- 5 In section 6 of the 1961 Act (power to dispense with or relax requirements of building regulations)—
- (a) in subsection (1), add at the end the words " either unconditionally or subject to compliance with any conditions specified in the direction, being conditions with respect to matters directly connected with the dispensation or relaxation. ";
  - (b) in the proviso to subsection (2), for the words from " shall " onwards substitute " may except applications of any description ";
  - (c) for subsection (6) substitute—
    - “(6) An application by a local authority in connection with a building or proposed building in the area of that authority shall be made to the Secretary of State except where the power of giving the direction is exercisable by that authority.”;
  - (d) after subsection (7), there shall be inserted as subsections (7A) and (7B)—
    - “(7A) If, on an application to the Secretary of State for a direction under this section, the Secretary of State considers that any requirement of building regulations to which the application relates is not applicable or is not or would not be contravened in the case of the work or proposed work to which the application relates, he may so determine and may give any directions that he considers necessary in the circumstances.

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- (7B) A person who contravenes any condition specified in a direction given under this section or permits any such condition to be contravened shall be liable to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted. and”;
- (e) subsection (8) shall be omitted.
- 6 In section 7 of the 1961 Act (appeal against local authority's refusal to dispense with or relax requirements of building regulations)—
- (a) in subsection (1), after second " relax " insert " or grant such an application subject to conditions ", for " by notice in writing " substitute " in the prescribed manner ", for " one month" substitute " the prescribed period " and for " refusal" substitute " decision on the application ";
- (b) in subsection (2), for the words from " a period " to " and the local authority " substitute " the prescribed period ";
- (c) subsections (3) to (6) shall be omitted ; and
- (d) at the end there shall be added the following subsection:—
- “(7) Section 6(7A) of this Act shall apply in relation to an appeal to the Secretary of State under this section as it applies in relation to an application to him for a direction under section 6.”.
- 7 For section 8 of the 1961 Act (advertisement of proposal to relax building regulations) substitute—

**“8 Opportunity to make representations about proposal to relax building regulations.**

- (1) Before the Secretary of State or a local authority give a direction under section 6 of this Act the prescribed steps shall be taken for affording to persons likely to be affected by the direction an opportunity to make representations about it; and before giving the direction the Secretary of State or, as the case may be, the local authority shall consider any representations duly made in accordance with the regulations.
- (2) Building regulations—
- (a) may make provision as to the time to be allowed for making representations under the preceding subsection ;
- (b) may require an applicant for such a direction, as a condition that his application shall be entertained, to pay or undertake to pay the cost of publishing any notice which is required by the regulations to be published in connection with the application; and
- (c) may exclude the requirements of the preceding subsection in prescribed cases.”.
- 8 In section 9(3) of the 1961 Act (consultation with Building Regulations Advisory Committee and other bodies before making building regulations), at the end add " (including in particular, as regards regulations relevant to any of their functions, the National Water Council). " .