



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART III

BUILDING REGULATIONS, AND AMENDMENT OF BUILDING (SCOTLAND) ACT 1959

62 Further matters for which building regulations may provide

- (1) Building regulations may make provision for requiring local authorities in such circumstances as may be prescribed to consult any prescribed person before taking any prescribed step in connection with any work or other matter to which building regulations are applicable.
- (2) Building regulations—
 - (a) may authorise local authorities to accept, as evidence that the requirements of building regulations as to matters of any prescribed description are or would be satisfied, certificates to that effect by persons of any class or description prescribed in relation to those matters or by a person nominated in writing by the Secretary of State in any particular case ;
 - (b) may provide for the issue by local authorities of certificates to the effect that, so far as the authority concerned have been able to ascertain after taking all reasonable steps in that behalf, the requirements of building regulations as to matters of any prescribed description are satisfied in any particular case, and for such certificates to be evidence (but not conclusive evidence) of compliance with the regulations ;
 - (c) may make provision—
 - (i) for prohibiting, in prescribed circumstances, the carrying out of proposed work of any prescribed class involving matters of any prescribed description unless there has been deposited with the prescribed authority as regards those matters a certificate such as is mentioned in paragraph (a) above ;
 - (ii) for enabling, in cases where such a certificate is required by virtue of the preceding sub-paragraph, any dispute as to whether a certificate ought to be issued to be referred to the Secretary of State; and

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item of legislation is currently only available in its original format.*

- (iii) for enabling the Secretary of State, on any such reference, to give such directions as he thinks fit.
- (3) Building regulations may authorise local authorities to charge prescribed fees for or in connection with the performance of prescribed functions of theirs relating to building regulations.
- (4) Building regulations may make a prescribed person or class of persons responsible (instead of local authorities) for performing prescribed functions of local authorities under or in connection with building regulations, and for that purpose may provide for any prescribed enactment relating to building regulations and any prescribed provision of such regulations to apply (with any prescribed modifications) in relation to a prescribed person or a person of a prescribed class as that enactment or provision applies in relation to a local authority.
- (5) Building regulations may repeal or modify any enactment to which this subsection applies if it appears to the Secretary of State that the enactment is inconsistent with, or is unnecessary or requires alteration in consequence of, any provision contained in or made under any enactment relating to building regulations.

This subsection applies to any enactment contained in this Act or in any other Act passed before or in the same Session as this Act, other than sections 61 to 71 of the 1936 Act, sections 4 to 11 of, and Schedule 1 to, the 1961 Act, and this Part.