



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

Exemption from building regulations

3 Exemption of particular classes of buildings etc.

- (1) Building regulations may exempt a prescribed class of buildings, services, fittings or equipment from all or any of the provisions of building regulations.
- (2) The [^{F1}appropriate national authority] may by direction exempt from all or any of the provisions of building regulations—
 - (a) a particular building, or
 - (b) buildings of a particular class at a particular location,either unconditionally or subject to compliance with any conditions specified in the direction.
- [^{F2}(2A) The regulator may at any time make a proposal to the Secretary of State for the giving of a direction under subsection (2).
- (2B) Before making a proposal, the regulator must consult such persons as it considers appropriate.
- (2C) Before giving a direction under subsection (2), other than a direction proposed by the regulator, the Secretary of State must consult—
 - (a) the regulator, and
 - (b) any other person that the Secretary of State considers appropriate.]
 - (3) A person who contravenes a condition specified in a direction given under subsection (2) above, or permits such a condition to be contravened, is liable on summary conviction to a fine [^{F3}not exceeding level 5 on the standard scale], and to

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a further fine not exceeding [^{F4}£50][^{F4}level 1 on the standard scale] for each day on which the offence continues after he is convicted.

Textual Amendments

- F1** Words in s. 3(2) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 5\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 7; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 4
- F2** S. 3(2A)-(2C) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 5\(3\)](#); S.I. 2023/993, reg. 2(n)(ii) (with reg. 4)
- F3** Words in s. 3(3) omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 5\(4\)\(a\)](#); S.I. 2023/993, reg. 2(n)(ii)
- F4** Words in s. 3(3) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 5\(4\)\(b\)](#); S.I. 2023/993, reg. 2(n)(ii)

4 Exemption of educational buildings and buildings of statutory undertakers.

(1) Nothing in this Part of this Act with respect to building regulations, and nothing in any building regulations, applies in relation to—

(a) a building required for the purposes of a school or other educational establishment erected or to be erected according to

[^{F5}(i) plans that have been approved by the [^{F6}appropriate national authority],

[^{F7}(ii) particulars submitted and approved under regulations made under section 544 of the Education Act 1996,]

^{F8}(iii)

^{F9}(iv)]

(b) a building belonging to statutory undertakers, the United Kingdom Atomic Energy Authority . . . ^{F10} or the Civil Aviation Authority and held or used by them for the purposes of their undertaking, unless it is—

(i) a house, . . . ^{F11} or

(ii) a building used as offices or showrooms, and not forming part of a railway station ^{F12} . . . ^{F13} . . .

[^{F14}or

(c) a building belonging to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) and held or used by the person for the purpose of carrying out activities authorised by the licence, unless it is—

(i) a house, or

(ii) a building used as offices or showrooms.]

(2) The words “the United Kingdom Atomic Energy Authority,” in subsection (1)(b) above (together with paragraph 4 of Schedule 6 to this Act) cease to have effect upon the coming into force of the repeal of section 5(5) of the ^{M1}Atomic Energy Authority Act 1954 contained in Schedule 7 to this Act.

Textual Amendments

- F5** S.4(1)(a)(i)-(iv) substituted (1.11.1996) by [1996 c. 56](#), s. 582(1), [Sch. 37 Pt. 1 para. 59](#) (with s. 1(4), [Sch. 39 paras. 30, 39](#))

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- F6** Words in s. 4(1)(a)(i) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 6](#); S.I. 2022/561, reg. 3(f), Sch. para. 8; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 5
- F7** S. 4(1)(a)(ii) substituted (6.11.2006 for E., 2.1.2008 for W.) by [Education Act 2002](#) (c. 32), s. 216(4), [Sch. 21 para. 6](#) (with ss. 210(8), 214(4)); S.I. 2006/2895, art. 2; S.I. 2007/3611, art. 4(1), Sch. Pt. 1
- F8** S. 4(1)(a)(iii) repealed (1.9.1999) by 1998 c. 31, s. 140(3), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), [Sch. 1](#) (with art. 17)
- F9** S. 4(1)(a)(iv) repealed (1.4.1999) by 1998 c. 31, s. 140(3), [Sch. 31](#) (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(1), [Sch. 1](#)
- F10** Words repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), [Sch. 6 Pt. I](#)
- F11** Words repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), [Sch. 6 Pt. I](#)
- F12** Words in s. 4(1)(b)(ii) omitted (10.11.2011) by virtue of [The Airport Charges Regulations 2011](#) (S.I. 2011/2491), reg. 1(1), [Sch. 2 para. 3\(2\)](#)
- F13** Words repealed by [Airports Act 1986](#) (c. 31, SIF 9), s. 83(5), [Sch. 6 Pt. I](#)
- F14** S. 4(1)(c) and word “or” immediately preceding it inserted (21.12.2001) by S.I. 2001/4050, art. 2, [Sch. Pt. II para. 7\(a\)](#)

Modifications etc. (not altering text)

- C1** S. 4 excluded by [Channel Tunnel Act 1987](#) (c. 53, SIF 102), ss. 31(2), [Sch. 7 Pt. VI para. 2](#)
- C2** S. 4(1) excluded (1.10.2010) by [The Building Regulations 2010](#) (S.I. 2010/2214), regs. 1, [34\(1\)](#) (with reg. 9)
- C3** S. 4(1) excluded by S.I. 2010/2214, reg. 34(1)(a) (as substituted (9.1.2013) by [The Building Regulations &c. \(Amendment\) Regulations 2012](#) (S.I. 2012/3119), [reg. 22](#), Sch. 1 (with regs. 1(3)(4), 45-47))
- C4** S. 4(1)(b) applied with modifications by [Airports Act 1986](#) (c. 31, SIF 9), s. 58, [Sch. 2 para. 6\(a\)](#)

Marginal Citations

- M1** [1954 c. 32](#).

5 Exemption of public bodies from procedural requirements of building regulations.

- (1) Building regulations may exempt—
- (a) a local authority,
 - (b) a county council, or
 - (c) any other body that acts under an enactment for public purposes and not for its own profit and is prescribed for the purposes of this section,
- from compliance with any requirements of those regulations that are not substantive requirements.
- (2) A local authority, county council or other body that is exempted as mentioned in subsection (1) above is in subsection (3) below referred to as an “exempt body”.
- (3) Without prejudice to the obligation of an exempt body to comply with substantive requirements of building regulations, the function of enforcing building regulations that is conferred on local authorities by section 91(2) below is not exercisable in relation to work carried out by an exempt body, and accordingly—
- (a) nothing in section 36(1) to (5) below applies in relation to work so carried out, and
 - (b) a local authority may not institute proceedings under section 35 below for a contravention [^{F15}of building regulations] by an exempt body.

[^{F16}(3A) In relation to higher-risk building work in England—

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- (a) exemptions under subsection (1) have no effect (and accordingly bodies must comply with requirements applicable to such work, whether substantive or not), and
 - (b) subsection (3) has no effect (and accordingly the provisions mentioned in that subsection are not disapplied or otherwise affected by it in relation to such work).]
- (4) [^{F17}In subsection (3) above, the reference to the carrying out of work includes a reference to the making of a material change of use as defined by and for the purposes of building regulations.]

Textual Amendments

- F15** Words in s. 5(3)(b) omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 7](#); S.I. 2023/993, reg. 2(n)(iii)
- F16** S. 5(3A) inserted (1.10.2023) by [The Building \(Public Bodies and Higher-Risk Building Work\) \(England\) Regulations 2023](#) (S.I. 2023/504), regs. 1(2), [2](#); S.I. 2023/993, reg. 2(f) (with reg. 4)
- F17** S. 5(4) omitted (1.10.2023 except in relation to W.) by virtue of [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 8](#); S.I. 2023/993, reg. 2(n)(iii)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A)(d) inserted by [2015 c. 7 s. 37\(2\)](#)
- s. 44(11) inserted by [2004 c. 22 s. 3\(8\)](#)
- s. 79A inserted by [2023 asc 3 Sch. 13 para. 65](#)
- s. 91B inserted by [2022 c. 30 Sch. 5 para. 56](#)
- s. 95(5) inserted by [2022 c. 30 s. 60\(2\)](#)
- s. 105C inserted by [2022 c. 30 s. 58](#)
- s. 116(3)-(6) inserted by [2022 c. 30 s. 45\(2\)\(d\)](#)
- s. 117(A1)(A2) inserted by [2022 c. 30 s. 45\(3\)\(b\)](#)
- s. 118(1A) inserted by [2022 c. 30 s. 45\(4\)\(b\)](#)
- s. 131A inserted by [2022 c. 30 s. 59](#)
- s. 131B inserted by [2022 c. 30 s. 60\(3\)](#)
- Sch. 1 para. 7A inserted by [2015 c. 7 s. 37\(4\)](#)