



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

Power to make building regulations

1 Power to make building regulations.

- (1) The [^{F1}appropriate national authority] may, for any of the purposes of—
- (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings,
 - [^{F2}(b) furthering the conservation of fuel and power,
 - (c) preventing waste, undue consumption, misuse or contamination of water,
 - (d) furthering the protection or enhancement of the environment,
 - (e) facilitating sustainable development, or
 - (f) furthering the prevention or detection of crime,]
- make regulations with respect to the [^{F3}matters mentioned in subsection (1A) below].

[^{F4}(1A) Those matters are—

- (a) the design and construction of buildings;
- (b) the demolition of buildings;
- (c) services, fittings and equipment provided in or in connection with buildings.]

- (2) Regulations made under subsection (1) above are known as building regulations.
- (3) Schedule 1 to this Act has effect with respect to the matters as to which building regulations may provide.
- (4) The power to make building regulations is exercisable by statutory instrument, which is [^{F5}—

Status: Point in time view as at 05/09/2023.

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- (a) in the case of a statutory instrument made by the Secretary of State, subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in the case of a statutory instrument made by the Welsh Ministers, subject to annulment in pursuance of a resolution of Senedd Cymru.]

Textual Amendments

- F1** Words in s. 1(1) 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. 2\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 2; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 1
- F2** S. 1(1)(b)-(f) substituted for (1)(b)(c) (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 1\(1\)](#), 11(4)
- F3** Words in s. 1(1) substituted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 1\(2\)](#), 11(4)
- F4** S. 1(1A) inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 1\(3\)](#), 11(4)
- F5** Words in s. 1(4) 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. 2\(3\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 2; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 1

[^{F6}1A Buildings of special historical or architectural interest

- (1) In making building regulations the [^{F7}appropriate national authority] shall have regard, in particular, to the desirability of preserving the character of protected buildings that are of special historical or architectural interest.
- (2) In this section “ protected buildings ” means—
 - (a) listed buildings within the meaning of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see section 1(5) of that Act); and
 - (b) buildings situated in areas designated as conservation areas under section 69 of that Act.]

Textual Amendments

- F6** S. 1A inserted (1.2.2006) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), [ss. 2](#), 11(3); S.I. 2006/224, art. 2(a)
- F7** Words in s. 1A(1) 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. 3](#); S.I. 2022/561, reg. 3(f), Sch. para. 3; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 2

2 Continuing requirements.

- (1) Building regulations may impose on owners and occupiers of buildings to which building regulations are applicable such continuing requirements as the [^{F8}appropriate national authority] considers appropriate for securing, with respect to any provision of building regulations designated in the regulations as a provision to which those requirements relate, that the purposes of that provision are not frustrated; but a continuing requirement imposed by virtue of this subsection does not apply in relation to a building unless a provision of building regulations so designated as one to which the requirement relates applies to that building.

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- (2) Building regulations may impose on owners and occupiers of buildings of a prescribed class (whenever erected, and whether or not any building regulations were applicable to them at the time of their erection) continuing requirements with respect to all or any of the following matters—
- (a) the conditions subject to which any services, fittings or equipment provided in or in connection with a building of that class may be used,
 - (b) the inspection and maintenance of any services, fittings or equipment so provided,
 - (c) the making of reports to a prescribed authority on the condition of any services, fittings or equipment so provided,
- and so much of paragraph 8 of Schedule 1 to this Act as restricts the application of building regulations does not apply to regulations made by virtue of this subsection.
- (3) If a person contravenes a continuing requirement imposed by virtue of this section, the local authority, without prejudice to their right to take proceedings for a fine in respect of the contravention, may—
- (a) execute any work or take any other action required to remedy the contravention, and
 - (b) recover from that person the expenses reasonably incurred by them in so doing.
- (4) Where a local authority have power under subsection (3) above to execute any work or take any other action, they may, instead of exercising that power, by notice require the owner or the occupier of the building to which the contravention referred to in that subsection relates to execute that work or take that action.
- (5) Sections 99 and 102 below apply in relation to a notice given under subsection (4) above, subject to the modification that references in those sections to the execution of works are references to the execution of works or the taking of other action, and references to works shall be construed accordingly.
- (6) Sections 8, 9, 10 and 39 below have effect in relation to continuing requirements imposed by virtue of this section subject to the modification that a direction under the said sections 8 and 9 below shall, if it so provides, cease to have effect at the end of such period as may be specified in the direction.

Textual Amendments

- F8** Words in s. 2(1) 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. 4\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 5; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 3

[^{F9}2A Continuing requirements in relation to fuel, power and emissions

- (1) Building regulations may impose, on owners and occupiers of buildings, continuing requirements that fall within subsection (2) below.
- (2) A continuing requirement falls within this subsection if—
- (a) it requires the inspection and testing of a building—
 - (i) as respects the use of fuel and power in or in connection with the building; or

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- (ii) as respects its contribution to or effect on emissions (whether or not from the building) of smoke, gases, vapours or fumes;
 - (b) it requires the inspection and testing of any service, fitting or equipment provided in or in connection with a building—
 - (i) as respects the use of fuel and power in or in connection with the service, fitting or equipment; or
 - (ii) as respects its contribution to or effect on emissions (whether or not from it or the building) of smoke, gases, vapours or fumes;
 - (c) it requires the implementation, in relation to a building, or any service, fitting or equipment provided in or in connection with a building, of—
 - (i) measures for the purpose mentioned in section 1(1)(b) above; or
 - (ii) measures (otherwise than for that purpose) that are calculated to secure, or to contribute to, the prevention or reduction of emissions (whether or not from the building in question or a thing provided in or in connection with it) of smoke, gases, vapours or fumes;
 - (d) it requires the keeping of records in relation to matters within paragraph (a), (b) or (c); or
 - (e) it requires the making of reports in relation to any of those matters to a prescribed authority.
- (3) Those requirements may be imposed in the case of buildings, or in the case of services, fittings and equipment provided in or in connection with buildings, irrespective of both—
- (a) when the buildings were erected; and
 - (b) whether building regulations were applicable to them at the time of their erection.
- (4) Subsections (3) to (6) of section 2 above apply in relation to continuing requirements imposed by virtue of this section as they apply in relation to continuing requirements imposed by virtue of that section.
- (5) Paragraph 8(2) of Schedule 1 to this Act does not impose any restriction on the building regulations that may be made by virtue of this section.]

Textual Amendments

F9 S. 2A inserted (16.11.2004) by [Sustainable and Secure Buildings Act 2004 \(c. 22\)](#), ss. **4(1)**, **11(4)**

[^{F10}2B Optional requirements

- (1) Building regulations made by the Secretary of State in relation to England may include a requirement that applies only where a planning authority makes compliance with the requirement a condition of a grant of planning permission.
- (2) In the following provisions of this section, a requirement included in building regulations by virtue of subsection (1) is referred to as an “optional requirement”.
- (3) Building regulations may specify that an optional requirement is capable of applying only in respect of development of a kind described in the regulations.

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- (4) Building regulations may specify conditions that must be satisfied before a planning authority may make compliance with an optional requirement a condition of the grant of planning permission.
- (5) Building regulations may specify the steps that a planning authority must take to inform a person subject to an optional requirement of the requirement.
- (6) Where building regulations include an optional requirement that would (to any extent) be inconsistent with another requirement imposed by the regulations, the building regulations must provide—
 - (a) that the other requirement does not apply in any case where the optional requirement applies, or
 - (b) that the other requirement applies in any such case with modifications specified in the regulations.
- (7) In this section —
 - “development” has the same meaning as in the Town and Country Planning Act 1990 (see section 55 of that Act);
 - “planning authority” means—
 - (a) a local planning authority within the meaning of that Act (see section 336(1));
 - (b) the Secretary of State (in the exercise of functions of granting planning permission);
 - “planning permission” has the same meaning as in that Act (see section 336(1)).]

Textual Amendments

F10 S. 2B inserted (26.3.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 42**, 115(1)(b)

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