



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

Relaxation of building regulations

8 Relaxation of building regulations.

- (1) Subject to this section, the [^{F1}appropriate national authority], if on an application for a direction under this section [^{F2}it] considers that the operation of a requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, may after consultation with the local authority, give a direction dispensing with or relaxing that requirement.
- (2) If building regulations so provide as regards a requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) above is exercisable by the local authority (instead of by the [^{F1}appropriate national authority] after consultation with the local authority).
- (3) Building regulations made by virtue of subsection (2) above may except applications of any description.

[^{F3}(3A) If, in a case where the regulator is the building control authority—

- (a) an application for a direction under this section is made to the regulator, and
- (b) the regulator considers that the operation of a requirement in building regulations would be unreasonable in relation to the particular case,

it may give a direction dispensing with or relaxing the requirement.

(3B) No application under subsection (1) or (2) may be made in a case where the regulator is the building control authority.]

(4) If—

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- (a) building regulations so provide as regards any requirement contained in the regulations, and
 - (b) a public body considers that the operation of any such requirement would be unreasonable in relation to any particular work carried out or proposed to be carried out by or on behalf of the public body,
- the public body may give a direction dispensing with or relaxing that requirement.
- (5) In subsection (4) above, “public body” means—
 - (a) a local authority.
 - (b) a county council, or
 - (c) any other body that is prescribed for the purposes of section 5 above.
 - (6) Building regulations may provide as regards a requirement contained in the regulations that subsections (1) to (5) above do not apply.

Textual Amendments

- F1** Words in s. 8 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. 11\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 12; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 8
- F2** Word in s. 8(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. 11\(3\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 12; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 8
- F3** S. 8(3A)(3B) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 11\(4\)](#); S.I. 2023/993, reg. 2(n)(iv) (with reg. 4)

Modifications etc. (not altering text)

- C1** S. 8(1) modified (1.6.1992) by S.I. 1991/2768, [reg. 10\(1\)](#)
S. 8(1) modified (1.1.2001) by S.I. 2000/2531, [reg. 11\(1\)](#)
- C2** S. 8(1)-(5) excluded by S.I. 2000/2531, reg. 11(3) (as added (6.4.2006) by [Building and Approved Inspectors \(Amendment\) Regulations 2006 \(S.I. 2006/652\)](#), regs. 1(2), [9\(2\)](#))
- C3** S. 8(1)-(5) excluded (1.10.2010) by S.I. 2010/2214, regs. 1, 11(3) (with reg. 9) (as substituted (19.4.2013) by [The Building Regulations & \(Amendment\) \(Wales\) Regulations 2013 \(S.I. 2013/747\)](#), regs. 1(4), [4](#) (with reg. 1(2)(3))) (as amended (3.6.2013) by [The Building \(Amendment\) Regulations 2013 \(S.I. 2013/1105\)](#), regs. 1(2), [3\(2\)](#) (with reg. 1(4)))

9 Application for relaxation.

- (1) An application under section 8(1) [^{F4}or (2) above][^{F4}, (2) or (3A)] shall be in such form and shall contain such particulars as may be prescribed.
- (2) [^{F5}The application][^{F5}An application under section 8(1) or (2)] shall be made to the local authority, and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the [^{F6}appropriate national authority] and give notice to the applicant that it has been so transmitted.
- (3) 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 [^{F6}appropriate national authority], except where the power of giving the direction is exercisable by that authority [^{F7}or in a case where the regulator is the building control authority].

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- (4) Schedule 2 to this Act has effect as regards as application for a direction that will affect the application of building regulations to work that has been carried out before the making of the application.

Textual Amendments

- F4** Words in s. 9(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 12\(3\)](#); S.I. 2023/993, reg. 2(n)(v)
- F5** Words in s. 9(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 12\(4\)](#); S.I. 2023/993, reg. 2(n)(v)
- F6** Words in s. 9 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. 12\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 14](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 9](#)
- F7** Words in s. 9(3) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 12\(5\)](#); S.I. 2023/993, reg. 2(n)(v)

10 Advertisement of proposal for relaxation of building regulations.

- (1) Not less than 21 days before giving a direction under section 8(1), (2) [^{F8}, (3A)] or (4) above in respect of any particular work, the [^{F9}appropriate national authority], the [^{F10}local authority][^{F10}building control authority] or the public body, as the case may be shall publish in a local newspaper circulating in the area where the site of the work is situated a notice—
- indicating the situation and nature of the work and the requirement to be dispensed with or relaxed, and
 - stating that representations with regard to the effect that the direction may have on public health or safety may be made by a date specified in the notice, being a date not less than 21 days from the date of the notice.
- and, where the direction is proposed to be made on an application, the [^{F9}appropriate national authority] or the [^{F10}local authority][^{F10}building control authority] may, as a condition of entertaining the application, require the applicant to pay or undertake to pay the cost of publication.
- (2) No notice need be published under the subsection (1) above where in appears to the [^{F11}appropriate national authority], the [^{F12}local authority][^{F12}building control authority] or the public body, as the case may be, that any effect that the direction may have on public health or safety will be limited to premises adjoining the site of the work, but in that case ^{F13}... it shall give such a notice to the owner and occupier of those premises.
- (3) No notice need be published or given under subsection (1) or (2) above where the work affects only an internal part of a building.
- (4) The [^{F14}appropriate national authority] may, instead of ^{F15}... publishing or giving a notice under subsection (1) or (2) above, require the local authority to give or publish the notice.
- (5) Before giving the direction, the [^{F16}appropriate national authority], the [^{F17}local authority][^{F17}building control authority] or the public body shall consider any representation duly made in pursuance of a notice published or given under subsection (1) or (2) above.

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- (6) If, after a local authority have received representations under this section, they refuse the application to which the representations relate and an appeal is brought against their refusal the local authority shall transmit ^{F18}to the Secretary of State copies of those representations. ^{F18}copies of the representations to—
- (a) the regulator, in the case of a local authority for an area in England;
 - (b) the Welsh Ministers, in the case of a local authority for an area in Wales.]

Textual Amendments

- F8** Word in s. 10(1) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(4\)](#); S.I. 2023/993, reg. 2(n)(vi)
- F9** Words in s. 10(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. 13\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F10** Words in s. 10(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(3\)](#); S.I. 2023/993, reg. 2(n)(vi)
- F11** Words in s. 10(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. 13\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F12** Words in s. 10(2) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(3\)](#); S.I. 2023/993, reg. 2(n)(vi)
- F13** Words in s. 10(2) omitted (28.6.2022 for E., 5.9.2023 for W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(5\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F14** Words in s. 10(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. 13\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F15** Word in s. 10(4) omitted (28.6.2022 for E., 5.9.2023 for W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(6\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F16** Words in s. 10(5) 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. 13\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 16; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 10
- F17** Words in s. 10(5) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 13\(3\)](#); S.I. 2023/993, reg. 2(n)(vi)
- F18** Words in s. 10(6) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 6 para. 2](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)

11 Type relaxation of building regulations.

- (1) If the ^{F19}appropriate national authority] considers that the operation of a requirement of building regulations would be unreasonable in relation to a particular type of building matter, ^{F20}the authority may, either on an application made by any person (the “original applicant”) or of its] own accord, give a direction dispensing with or relaxing that requirement generally in relation to that type of building matter, either—
- (a) unconditionally, or
 - (b) subject to compliance with any conditions specified in the direction, being conditions with respect to matters directly connected with the dispensation or relaxation.
- (2) A direction under subsection (1) above—

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- (a) if it so provides, ceases to have effect at the end of such period as may be specified in the direction,
 - (b) may [^{F21}, either on an application or of the appropriate national authority’s own accord,] be varied or revoked by a subsequent direction of the [^{F22}appropriate national authority].
- (3) Building regulations may require a person making an application under subsection (1) [^{F23}or (2)(b)] above to pay the [^{F24}appropriate national authority] the prescribed fee, and—
- (a) without prejudice to paragraph 10 of Schedule 1 to this Act, regulations made by virtue of this subsection may prescribe different fees for different cases, and
 - (b) the [^{F24}appropriate national authority] may in a particular case remit the whole or part of a fee payable by virtue of this subsection.
- [^{F25}(3A) The regulator may at any time make a proposal to the Secretary of State for the giving of a direction under this section.
- (3B) Before making a proposal, the regulator must consult—
- (a) such persons as it considers appropriate, and
 - (b) if the proposal is for a direction that would vary or revoke a direction given on an application under subsection (1), the original applicant.
- (3C) Before giving a direction under this section, other than a direction proposed by the regulator, the Secretary of State must consult—
- (a) the regulator,
 - (b) any other person the Secretary of State considers appropriate, and
 - (c) if the direction would vary or revoke a direction given on an application under subsection (1), the original applicant.]
- (4) [^{F26}Before giving a direction under subsection (1) or (2)(b), the Welsh Ministers must consult such persons as they consider appropriate.]
- (5) [^{F26}Where the appropriate national authority gives a direction under subsection (1) or (2)(b), it must publish notice of that fact in such way as it considers appropriate.]
- (6) A person who contravenes a condition specified in a direction given under subsection (1) above, or permits such a condition to be contravened, is liable on summary conviction to a fine [^{F27}not exceeding level 5 on the standard scale] and to a further fine not exceeding [^{F28}£50][^{F28}level 1 on the standard scale] for each day on which the offence continues after he is convicted.
- (7) If at any time a direction under subsection (1) above dispensing with or relaxing a requirement of building regulations ceases to have effect by virtue of subsection (2) (a) above, or is varied or revoked under subsection (2)(b) above, that fact does not affect the continued operation of the direction (with any conditions specified in it) in a case in which [^{F29}before that time—
- ^{F30}(b)]
- [^{F29}an application for building control approval in relation to the proposed work was made before that time.]
- (8) In this section, “building matter” means any building or other matter whatsoever to which building regulations are in any circumstances applicable.

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Textual Amendments

- F19** Words in s. 11(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. 14\(2\)\(a\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 18; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 11
- F20** Words in s. 11(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. 14\(2\)\(b\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 18; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 11
- F21** Words in s. 11(2)(b) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(3\)\(a\)](#); S.I. 2023/993, reg. 2(n)(vii)
- F22** Words in s. 11(2)(b) 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. 14\(3\)\(b\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 18; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 11
- F23** Words in s. 11(3) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(4\)\(a\)](#); S.I. 2023/993, reg. 2(n)(vii)
- F24** Words in s. 11(3) 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. 14\(4\)\(b\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 18; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 11
- F25** S. 11(3A)-(3C) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(5\)](#); S.I. 2023/993, reg. 2(n)(vii) (with reg. 4)
- F26** S. 11(4)(5) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(6\)](#); S.I. 2023/993, reg. 2(n)(vii)
- F27** Words in s. 11(6) 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. 14\(7\)\(a\)](#); S.I. 2023/993, reg. 2(n)(vii)
- F28** Words in s. 11(6) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(7\)\(b\)](#); S.I. 2023/993, reg. 2(n)(vii)
- F29** Words in s. 11(7) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 14\(8\)](#); S.I. 2023/993, reg. 2(n)(vii) (with reg. 3)
- F30** S. 11(7)(b) and word preceding it repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 13](#)

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