



# Building Act 1984

## 1984 CHAPTER 55

### PART IV

#### GENERAL

#### *Orders [<sup>F1</sup>and regulations]*

#### Textual Amendments

- F1** Words in s. 120 cross-heading inserted (28.6.2022 for E.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 75; S.I. 2022/561, reg. 3(f), Sch. para. 37

#### 120 Orders.

- (1) The power to make an order under section 16(13), 30(3) or (4), 42(7), 69(6) or 134(1) above, or under paragraph 5(2) of Schedule 1 to this Act, is exercisable by statutory instrument, and different days may be appointed by such an order for different provisions or for different purposes.
- (2) An order under section [<sup>F2</sup>30(3) above or] 134(1) (a), (b) or (c) below may contain such transitional provisions and savings as appear to the Secretary of State [<sup>F3</sup>or Welsh Ministers] to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions as appear to [<sup>F4</sup>him][<sup>F4</sup>the Secretary of State or Welsh Ministers] necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).

#### Textual Amendments

- F2** Words in s. 120(2) omitted (28.6.2022 for E.) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 76(3)(a); S.I. 2022/561, reg. 3(f), Sch. para. 39
- F3** Words in s. 120(2) inserted (28.6.2022 for E.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 76(3)(b); S.I. 2022/561, reg. 3(f), Sch. para. 39

*Status: Point in time view as at 28/06/2022.*

*Changes to legislation: Building Act 1984, Cross Heading: Orders and regulations is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F4** Words in s. 120(2) substituted (28.6.2022 for E.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 76\(3\)\(c\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 39

## **[<sup>F5</sup>120A Regulations**

- (1) This section applies to regulations under section 54A, 55, 56A, 56B, [90A](#), 91A, 92, [105B](#), [105C](#), [120D](#), [120I](#) or [125A](#).
- (2) A power to make regulations includes power to make—
  - (a) consequential, supplementary, incidental, transitional, transitory or saving provision;
  - (b) different provision for different purposes or for different areas.
- (3) Regulations may describe a building by reference to its height, size, design, use, purpose or any other characteristic.
- (4) Regulations under section 54A may make such consequential amendments of this Act as the appropriate national authority considers appropriate.
- (5) Regulations under section [90A](#) may make such consequential amendments of this Act as the Secretary of State considers appropriate.
- (6) Regulations are to be made by statutory instrument.
- (7) A statutory instrument containing (whether alone or with other provision)—
  - (a) regulations under section 54A, [90A](#), [105C](#) or [125A](#), or
  - (b) regulations under section [120D\(2\)\(b\)](#) or [\(6\)](#), or regulations made by virtue of [section 120D\(4\)\(c\)](#),
 may not be made by the Secretary of State unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (8) Any other statutory instrument containing regulations made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing (whether alone or with other provision) regulations under section 54A, [120I\(2\)](#) or [125A](#) may not be made by the Welsh Ministers unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (10) Any other statutory instrument containing regulations made by the Welsh Ministers is subject to annulment in pursuance of a resolution of Senedd Cymru.

### **Textual Amendments**

**F5** Ss. 120A-120C inserted (28.6.2022 for E. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4), [Sch. 5 para. 77](#); S.I. 2022/561, reg. 3(f), Sch. para. 40, 41

## **120B Proposals and consultation relating to regulations made by the Secretary of State**

- (1) The regulator may at any time make proposals to the Secretary of State for the making of regulations under this Act.

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- (2) Before making a proposal, the regulator must consult such persons as it considers appropriate.
- (3) Before making any regulations under this Act, other than regulations 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.
- (4) This section does not apply in relation to regulations under [section 120D](#).

#### Textual Amendments

- F5** Ss. 120A-120C inserted (28.6.2022 for E. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4), [Sch. 5 para. 77](#); S.I. 2022/561, reg. 3(f), [Sch. para. 40](#), 41

### 120C Consultation relating to regulations made by the Welsh Ministers

- (1) Before making any regulations under this Act except building regulations or regulations under [section 120I](#), the Welsh Ministers must consult such persons as they consider appropriate.
- (2) Before making any regulations under [section 120I](#), the Welsh Ministers must consult—
  - (a) the Building Regulations Advisory Committee for Wales, and
  - (b) any other person that the Welsh Ministers consider appropriate.
- (3) See also section 14 (consultation requirements for building regulations).]

#### Textual Amendments

- F5** Ss. 120A-120C inserted (28.6.2022 for E. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4), [Sch. 5 para. 77](#); S.I. 2022/561, reg. 3(f), [Sch. para. 40](#), 41

**Status:**

Point in time view as at 28/06/2022.

**Changes to legislation:**

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