



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Type approval of building matter*

#### **12 Power of [<sup>F1</sup>appropriate national authority] to approve type of building matter.**

- (1) This section has effect with a view to enabling the [<sup>F2</sup>appropriate national authority], either on an application made [<sup>F3</sup>by any person (the “original applicant”) or of its] own accord, to approve a particular type of building matter as complying, either generally or in a class of case, with particular requirements of building regulations.
- (2) An application for the approval under subsection (1) above of a type of building matter shall comply with any requirements of building regulations as to the form of such applications and the particulars to be included in them.
- (3) Where under subsection (1) above the [<sup>F4</sup>appropriate national authority] approves a type of building matter as complying with particular requirements of building regulations either generally or in a class of case, [<sup>F5</sup>it] may issue a certificate to that effect specifying—
  - (a) the type of building matter to which the certificate relates,
  - (b) the requirements of building regulations to which the certificate relates, and
  - (c) where applicable, the class or classes of case to which the certificate applies.
- (4) A certificate under subsection (3) above, if it so provides, ceases to have effect at the end of such period as may be specified in the certificate.
- (5) If, while a certificate under subsection (3) above is in force, it is found, in a particular case involving building matter of the type to which the certificate relates, that—
  - (a) the building matter in question is of that type, and
  - (b) the case is one to which the certificate applies,

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that building matter shall in that particular case be deemed to comply with the requirements of building regulations to which the certificate relates.

- (6) The [<sup>F6</sup>appropriate national authority] may vary a certificate under subsection (3) above, either on an application made to [<sup>F7</sup>it or of its own accord.]
- (7) Building regulations may require a person making an application under subsection [<sup>F8</sup>(1) or (6) above][<sup>F8</sup>(1), (6) or (8)] to pay the [<sup>F9</sup>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 [<sup>F9</sup>appropriate national authority] may in a particular case remit the whole or part of a fee payable by virtue of this subsection.
- (8) The [<sup>F10</sup>appropriate national authority] may revoke a certificate issued under subsection (3) above, [<sup>F11</sup>but, before doing so in the case of a certificate issued on an application under subsection (1) above, he shall give the person on whose application the certificate was issued reasonable notice that he proposes to do so.][<sup>F11</sup>either on an application or of the appropriate national authority's own accord.]
- [<sup>F12</sup>(8A) The regulator may at any time make a proposal to the Secretary of State for—
  - (a) the giving of an approval under subsection (1), or
  - (b) the varying or revocation of a certificate under subsection (6) or (8).
- (8B) Before making a proposal, the regulator must consult—
  - (a) such persons as it considers appropriate, and
  - (b) if the proposal is to vary or revoke a certificate issued on an application under subsection (1), the original applicant.
- (8C) Before giving an approval or varying or revoking a certificate under this section, unless acting on a proposal of the regulator, the Secretary of State must consult—
  - (a) the regulator,
  - (b) any other person the Secretary of State considers appropriate, and
  - (c) if varying or revoking a certificate issued on an application under subsection (1), the original applicant.
- (8D) Before varying or revoking a certificate issued on an application under subsection (1), the Welsh Ministers must give the original applicant reasonable notice that they propose to do so (except in the case of a variation or revocation made on the application of that person).]
- (9) Where the [<sup>F13</sup>appropriate national authority] issues a certificate under subsection (3) above or varies or revokes a certificate so issued, [<sup>F14</sup>it] shall publish notice of that fact in such manner as [<sup>F14</sup>it] thinks fit.
- (10) If at any time a certificate under subsection (3) above ceases to have effect by virtue of subsection (4) above, or is varied or revoked under subsection (6) or (8) above, that fact does not affect the continued operation of subsection (5) above by virtue of that certificate in a case in which [<sup>F15</sup>before that time—
  - [<sup>F16</sup>(b) .....]
  - [<sup>F15</sup>an application for building control approval in relation to the proposed work was made before that time.]

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(11) For the purposes of subsection (3) above, or of any variation of a certificate under subsection (6) above, a class of case may be framed in any way that the [F17 appropriate national authority] thinks fit.

(12) In this section, “building matter” has the same meaning as in section 11 above.

#### Textual Amendments

- F1** Words in s. 12 heading 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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F2** Words in s. 12(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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F3** Words in s. 12(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. 15\(3\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F4** Words in s. 12(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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F5** Word in s. 12(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. 15\(4\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F6** Words in s. 12(6) 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. 15\(5\)\(a\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F7** Words in s. 12(6) 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. 15\(5\)\(b\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F8** Words in s. 12(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. 15\(6\)](#); S.I. 2023/993, reg. 2(n)(viii)
- F9** Words in s. 12(7) 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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F10** Words in s. 12(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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F11** Words in s. 12(8) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 15\(7\)](#); S.I. 2023/993, reg. 2(n)(viii)
- F12** S. 12(8A)-(8D) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 15\(8\)](#); S.I. 2023/993, reg. 2(n)(viii) (with reg. 4)
- F13** Words in s. 12(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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F14** Word in s. 12(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. 15\(9\)](#); S.I. 2022/561, reg. 3(f), [Sch. para. 20](#); S.I. 2023/914, reg. 2(b)(xiii), [Sch. para. 12](#)
- F15** Words in s. 12(10) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), s. 170(4)(b)(c), [Sch. 5 para. 15\(10\)](#); S.I. 2023/993, reg. 2(n)(viii) (with reg. 3)
- F16** S. 12(10)(b) and word repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004](#) (c. 14), [Sch. 1 Pt. 13](#)

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- F17** Words in s. 12(11) 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. 15\(2\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 20; S.I. 2023/914, reg. 2(b) (xiii), Sch. para. 12

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**Commencement Information**

- I1** S. 12 in force at 1.12.1984 for specified purposes, see [s. 134\(1\)\(a\)](#)

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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\(4\)](#)