



Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

[^{F1}Notices in respect of contraventions]

36 Removal or alteration of offending work.

- (1) If any work to which building regulations are applicable contravenes any of those regulations [^{F1}or a requirement imposed by virtue of any of those regulations], the [^{F2}local authority][^{F2}building control authority], without prejudice to their right to take proceedings for a fine in respect of the contravention, may by notice require the owner—
- (a) to pull down or remove the work, or
 - (b) if he so elects, to effect such alterations in it as may be necessary to make it comply with the regulations.
- (2) If, in a case where the [^{F2}local authority][^{F2}building control authority] are, by [^{F3}any section of this Part of this Act other than section 16][^{F3}any of sections 19 to 25], expressly required or authorised to reject [^{F4}plans][^{F4}an application for building control approval], any work to which building regulations are applicable is executed—
- (a) [^{F5}without such an application having been made,]
 - (b) [^{F5}notwithstanding the refusal of such an application, or]
 - (c) otherwise than in accordance with any requirements subject to which the authority [^{F6}passed the plans][^{F6}granted such an application],

the authority may by notice to the owner—

- (i) require him to pull down or remove the work, or
- (ii) require him either to pull down or remove the work or, if he so elects, to comply with any other requirements specified in the notice, being requirements that they might have made under the section in question as a condition of [^{F7}passing plans][^{F7}granting such an application].

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- (3) If a person to whom a notice has been given under subsection (1) or (2) above fails to comply with the notice before the expiration of 28 days, or such longer period as ^{F8}a magistrates' court^{F8}the appropriate court or tribunal] may on his application allow, the ^{F2}local authority^{F2}building control authority] may—
- (a) pull down or remove the work in question, or
 - (b) effect such alterations in it as they deem necessary,
- and may recover from him the expenses reasonably incurred by them in doing so.
- (4) A notice under subsection (1) or (2) above (called a “section 36 notice”) shall not be given after the expiration of ^{F9}12 months^{F9}10 years] from the date of the completion of the work in question.
- (5) ^{F10}Subsection (5A) applies where—
- (a) an application for building control approval is made to a building control authority in respect of any work that is not higher-risk building work,
 - (b) the application is granted, and
 - (c) work that is shown on the plans approved by the granting of the application (“the work”) is executed in accordance with—
 - (i) the plans, and
 - (ii) any requirement imposed by the building control authority.
- (5A) A section 36 notice may not be given on the ground that the work contravenes—
- (a) any building regulations or any requirement imposed by virtue of the regulations, or (as the case may be)
 - (b) any requirement under any of sections 19 to 25.]
- (6) This section ^{F11}does^{F11}, and sections 35B and 35C, do] not affect the right of a ^{F12}local authority^{F12}building control authority], the Attorney General ^{F13}, the Counsel General to the Welsh Government] or any other person to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any regulation or any provision of this Act; but if—
- (a) ^{F14}an application for building control approval was made to the local authority in respect of the work,]
 - (b) ^{F14}the application was granted,]
 - (c) ^{F14}the work was executed in accordance with—
 - (i) the plans approved by the granting of the application, and
 - (ii) any requirement imposed by the authority, and
 - (d) the work was not higher-risk building work,]
- the court on granting an injunction has power to order the local authority to pay to the owner of the work such compensation as the court thinks just, but before making any such order the court shall in accordance with rules of court cause the local authority, if not a party to the proceedings, to be joined as a party to them.

Textual Amendments

- F1** Words in s. 36(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. 32\(3\)](#); S.I. 2023/993, reg. 2(n)(xi) (with reg. 7)
- F2** Words in s. 36(1)–(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. 32\(2\)](#); S.I. 2023/993, reg. 2(n)(xi) (with regs. 4, 7)

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- F3** Words in s. 36(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. 32(4)(a)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F4** Words in s. 36(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. 32(4)(b)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F5** S. 36(2)(a)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(4)(c)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F6** Words in s. 36(2)(c) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(4)(d)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F7** Words in s. 36(2)(ii) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(4)(e)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F8** Words in s. 36(3) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 6 para. 9(g)**; S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F9** Words in s. 36(4) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), **ss. 39(3)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(r); S.I. 2023/914, reg. 2(b)(vi); S.I. 2023/993, reg. 2(i) (with reg. 7)
- F10** S. 36(5)(5A) substituted for s. 36(5) (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(5)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)
- F11** Words in s. 36(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. 32(6)(a)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 7)
- F12** Words in s. 36(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. 32(6)(b)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 4, 7)
- F13** Words in s. 36(6) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(6)(c)**; S.I. 2023/993, reg. 2(n)(xi) (with reg. 7)
- F14** S. 36(6)(a)-(d) substituted for s. 36(6)(a)-(c) (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 32(6)(d)**; S.I. 2023/993, reg. 2(n)(xi) (with regs. 3, 7)

Modifications etc. (not altering text)

- C1** S. 36(2)–(6) amended by Midland Metro Act 1989 (c. xv), **s. 45(10)**s. 36(2)–(6) extended (27.7.1993) by 1993 c. xv, **s. 55(10)**.S. 36(2)–(6) applied with modifications (21.7.1994) by 1994 c. XV, s. 58(10)

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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\(4\)](#)