



# Building Act 1984

## 1984 CHAPTER 55

### PART II

#### SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY [<sup>F1</sup>LOCAL AUTHORITIES][<sup>F1</sup>BUILDING CONTROL AUTHORITIES]

##### *Supervision of plans and work by approved inspectors*

#### **48 Effect of initial notice.**

- (1) So long as an initial notice continues in force, the function of enforcing building regulations that is conferred on a local authority by section 91(2) below is not exercisable in relation to the work [<sup>F1</sup>to which the notice relates], and accordingly—
  - (a) a local authority may not give a notice under section [<sup>F2</sup>35B, 35C or] 36(1) above in relation to [<sup>F3</sup>that work], and
  - (b) a local authority may not institute proceedings under section 35 above for a contravention [<sup>F4</sup>of building regulations] that arises out of the carrying out of [<sup>F3</sup>that work].
- (2) For the purposes of the enactments specified in subsection (3) below—
  - (a) the giving of an initial notice accompanied by such plans as are referred to in section 47(1)(b) above shall be treated as the [<sup>F5</sup>deposit of plans][<sup>F5</sup>making of an application for building control approval],
  - (b) the plans accompanying an initial notice shall be treated as the [<sup>F6</sup>deposited plans][<sup>F6</sup>plans accompanying the application for building control approval],
  - (c) the acceptance or rejection of an initial notice shall be treated as the [<sup>F7</sup>passing or, as the case may be, the rejection of plans][<sup>F7</sup>approval or rejection of the application], and
  - (d) [<sup>F8</sup>where an initial notice ceases to be in force under section 53A, the application for building control approval (treated by virtue of paragraph (a) as made) is to be treated as if it was not made (and the approval was not given).]
- (3) The enactments referred to in subsection (2) above are—

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- (a) section 36(2) above,
- (b) section 36(5) above, in so far as it relates to a notice under section 36(2) above and to non-compliance with any such requirement as is referred to in that subsection,
- (c) section 36(6) above, in so far as it relates to a contravention of this Act,
- (d) section 18(2) above, and
- (e) sections 219 to 225 of the <sup>M1</sup>Highways Act 1980 (the advance payments code).

<sup>F9</sup>(4) . . . . .

#### Textual Amendments

- F1** Words in s. 48(1) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(3)(a)**
- F2** Words in s. 48(1)(a) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 41(2)(a)**; S.I. 2023/993, reg. 2(n)(xiv)
- F3** Words in s. 48(1)(a)(b) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(3)(b)**
- F4** Words in s. 48(1)(b) 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. 41(2)(b)**; S.I. 2023/993, reg. 2(n)(xiv)
- F5** Words in s. 48(2)(a) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 41(3)(a)**; S.I. 2023/993, reg. 2(n)(xiv)
- F6** Words in s. 48(2)(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. 41(3)(b)**; S.I. 2023/993, reg. 2(n)(xiv)
- F7** Words in s. 48(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. 41(3)(c)**; S.I. 2023/993, reg. 2(n)(xiv)
- F8** S. 48(2)(d) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 41(3)(d)**; S.I. 2023/993, reg. 2(n)(xiv)
- F9** S. 48(4) repealed (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 33(2), **Sch. 4** (with art. 49) (as amended by The Regulatory Reform (Fire Safety) Subordinate Provisions Order 2006 (S.I. 2006/484), **arts. 1(1), 2**)

#### Modifications etc. (not altering text)

- C1** S. 48(2) amended by Midland Metro Act 1989 (c. xv), **s. 45(10)**; s. 48(2) extended (27.7.1993) by 1993 c. xv, **s. 55(10)**; s. 48(2) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 58(10)**

#### Marginal Citations

- M1** 1980 c. 66.

**Changes to legislation:**

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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\(4\)](#)