



# Building Act 1984

## 1984 CHAPTER 55

### PART I

#### BUILDING REGULATIONS

##### *Exemption from building regulations*

#### **5 Exemption of public bodies from procedural requirements of building regulations.**

- (1) Building regulations may exempt—
  - (a) a local authority,
  - (b) a county council, or
  - (c) any other body that acts under an enactment for public purposes and not for its own profit and is prescribed for the purposes of this section,from compliance with any requirements of those regulations that are not substantive requirements.
- (2) A local authority, county council or other body that is exempted as mentioned in subsection (1) above is in subsection (3) below referred to as an “exempt body”.
- (3) Without prejudice to the obligation of an exempt body to comply with substantive requirements of building regulations, the function of enforcing building regulations that is conferred on local authorities by section 91(2) below is not exercisable in relation to work carried out by an exempt body, and accordingly—
  - (a) nothing in section 36(1) to (5) below applies in relation to work so carried out, and
  - (b) a local authority may not institute proceedings under section 35 below for a contravention [<sup>F1</sup>of building regulations] by an exempt body.

[<sup>F2</sup>(3A) In relation to higher-risk building work in England—

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**Changes to legislation:** Building Act 1984, Section 5 is up to date with all changes known to be in force on or before 15 March 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) [View outstanding changes](#)

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- (a) exemptions under subsection (1) have no effect (and accordingly bodies must comply with requirements applicable to such work, whether substantive or not), and
  - (b) subsection (3) has no effect (and accordingly the provisions mentioned in that subsection are not disapplied or otherwise affected by it in relation to such work).]
- (4) [<sup>F3</sup>In subsection (3) above, the reference to the carrying out of work includes a reference to the making of a material change of use as defined by and for the purposes of building regulations.]

#### Textual Amendments

- F1** Words in s. 5(3)(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. 7](#); S.I. 2023/993, reg. 2(n)(iii)
- F2** S. 5(3A) inserted (1.10.2023) by [The Building \(Public Bodies and Higher-Risk Building Work\) \(England\) Regulations 2023](#) (S.I. 2023/504), regs. 1(2), [2](#); S.I. 2023/993, reg. 2(f) (with reg. 4)
- F3** S. 5(4) 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. 8](#); S.I. 2023/993, reg. 2(n)(iii)

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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\(4\)](#)