



Building Act 1984

1984 CHAPTER 55

PART II

SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY LOCAL AUTHORITIES

Supervision of plans and work by approved inspectors

53 Effect of initial notice ceasing to be in force.

- (1) This section applies where an initial notice ceases to be in force by virtue of section 47(4)(b)(i) or (ii) above.
- (2) Building regulations may provide that, if—
 - (a) a plans certificate was given before the day on which the initial notice ceases to be in force,
 - (b) that certificate was accepted by the local authority (before, on or after that day), and
 - (c) before that day, that acceptance was not rescinded by a notice under section 50(8) above,then with respect to the work specified in the certificate, such of the functions of a local authority referred to in section 48(1) above as may be prescribed for the purposes of this subsection either are not exercisable or are exercisable only in prescribed circumstances.
- (3) If, before the day on which the initial notice ceased to be in force, a final certificate—
 - (a) was given in respect of part of the work [^{F1}to which the initial notice relates], and
 - (b) was accepted by the local authority (before, on or after that day),the fact that the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) above in relation to that part of the work.
- (4) Notwithstanding anything in subsections (2) and (3) above, for the purpose of enabling the local authority to perform the functions referred to in section 48(1) above in

Status: Point in time view as at 22/07/2008. This version of this provision has been superseded.

Changes to legislation: Building Act 1984, Section 53 is up to date with all changes known to be in force on or before 05 June 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)

relation to any part of the work not specified in a plans certificate or final certificate, as the case may be, building regulations may require the local authority to be provided with plans that relate not only to that part but also to the part to which the certificate in question relates.

- (5) In any case where this section applies, the reference in subsection (4) of section 36 above to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the initial notice ceased to be in force.
- (6) Subject to any provision of building regulations made by virtue of subsection (2) above, if, before the initial notice ceased to be in force, an offence under section 35 above was committed with respect to any of the work [^{F2}to which that notice relates], proceedings for that offence may be commenced by the local authority at any time within six months beginning with the day on which the function of the local authority referred to in section 48(1) above became exercisable with respect to the provision of building regulations to which the offence relates.
- [^{F3}(6A) Subsection (6) above is without prejudice to any ability which, after that function has become exercisable, the local authority may have under section 35A above to commence proceedings for the offence after the end of that period of six months.]
- (7) The fact that an initial notice has ceased to be in force does not affect the right to give a new initial notice relating to any of the work [^{F4}to which the original notice related] and in respect of which no final certificate has been given and accepted; but where—
- (a) a plans certificate has been given in respect of any of that work,
 - (b) the conditions in paragraphs (a) to (c) of subsection (2) above are fulfilled with respect to that certificate, and
 - (c) such a new initial notice is given and accepted,
- section 50(1) above does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.

Textual Amendments

- F1** Words in s. 53(3)(a) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(7)(a)**
- F2** Words in s. 53(6) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(7)(b)**
- F3** **S. 53(6A)** inserted (21.8.2006) by **Climate Change and Sustainable Energy Act 2006 (c. 19)**, **ss. 13(2), 28(1)**
- F4** Words in s. 53(7) words substituted (14.10.1996) by S.I. 1996/1905, **art. 3(7)(c)**

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