



# Building Act 1984

## 1984 CHAPTER 55

### PART III

#### OTHER PROVISIONS ABOUT BUILDINGS

*Defective premises, demolition etc.*

#### **81 Local authority's power to serve notice about demolition.**

- (1) A local authority may give a notice under this section to—
- a person on whom a demolition order [<sup>F1</sup>or obstructive building order] has been served under [<sup>F2</sup>Part IX of the Housing Act 1985],
  - a person who appears to them not to be intending to comply with an order made under section 77 above or a notice given under section 79 above, and
  - a person who appears to them to have begun or to be intending to begin a demolition to which section 80 above otherwise applies.

- (2) Nothing contained in a notice under this section prejudices or affects the operation of any of the relevant statutory provisions, as defined in section 53(1) of the <sup>M1</sup>Health and Safety at Work etc. Act 1974 [<sup>F3</sup>or the relevant provisions]; and accordingly, if a requirement of such a notice is inconsistent with a requirement imposed by or under the said Act of 1974 [<sup>F4</sup>or the relevant provisions], the latter requirement prevails.

[<sup>F5</sup>(2A) For the purposes of subsection (2), “relevant provisions” means the relevant statutory provisions (within the meaning of Part 3 of the Energy Act 2013) other than—

- the provisions of the Nuclear Safeguards Act 2000; and
- any provision of nuclear regulations identified in accordance with section 74(9) of the 2013 Act as being made for the nuclear safeguards purposes.]

- (3) Where—

- a person has given a notice under section 80 above, or

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- (b) the local authority have served a demolition order [<sup>F1</sup>or obstructive building order] on a person under [<sup>F2</sup>Part IX of the Housing Act 1985],  
a notice under this section may only be given to the person in question within the relevant period.
- (4) In this section and section 80 above, “the relevant period” means—
- (a) in a case such as is mentioned in subsection (3)(a) above, six weeks from the giving of the notice under section 80 above, or such longer period as the person who gave that notice may in writing allow, and
- (b) in a case such as is mentioned in subsection (3)(b) above, seven days after the local authority served a copy of the demolition order [<sup>F1</sup>or obstructive building order] in accordance with [<sup>F2</sup>Part IX of the Housing Act 1985], or such longer period as the person on whom the copy was served may in writing allow.
- (5) It is the duty of the local authority to send or give a copy of a notice under this section to the owner and occupier of any building adjacent to the building to which the notice relates.
- (6) It is also the duty of the local authority to send or give a copy of a notice under this section—
- (a) if it contains such a requirement as is specified in section 82(1)(h) below, to the statutory undertakers concerned, and
- [<sup>F6</sup>(b) if it contains such a requirement as is specified in section 82(1)(i) below, to the fire and rescue authority, if they are not themselves the fire and rescue authority.]
- <sup>F7</sup>(7) .....

#### Textual Amendments

- F1** Words inserted by [Housing and Planning Act 1986 \(c. 63, SIF 15\)](#), s. 24, **Sch. 5 para. 11(1)**
- F2** Words substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#), ss. 4, 5(2), [Sch. 2 para. 58\(3\)](#), **Sch. 4**
- F3** Words in s. 81(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 3(2)(a)** (with [Sch. 4](#))
- F4** Words in s. 81(2) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 3(2)(b)** (with [Sch. 4](#))
- F5** S. 81(2A) inserted (1.4.2014) by [The Energy Act 2013 \(Office for Nuclear Regulation\) \(Consequential Amendments, Transitional Provisions and Savings\) Order 2014 \(S.I. 2014/469\)](#), art. 1(2), **Sch. 2 para. 3(3)** (with [Sch. 4](#))
- F6** S. 81(6)(b) substituted (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 33(6)(a)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)
- F7** S. 81(7) repealed (1.10.2006) by [Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), [Sch. 2 para. 33\(6\)\(b\)](#), **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. 81 applied (with modifications) (07. 08. 1991) by [S.I. 1991/1773](#), art. 8(2)(3), **Sch.2**. S. 81 applied (with modifications) (10. 01. 1992) by [S.I. 1991/2913](#), art. 8(2)(3), **Sch. 2**.

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- C2** S. 81: certain functions transferred (07. 08. 1991) by S.I. 1991/1773, art. 8(1)(3), **Sch.2**. S. 81: certain functions transferred (10. 01. 1992) by S.I. 1991/2913, art. 8(1)(3), **Sch. 2**.
- C3** S. 81 excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 22 para. 6**
- C4** Ss. 81, 82 excluded (3.11.2022) by The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022 (S.I. 2022/1067), arts. 1, **5(3)**
- C5** S. 81(1)(b) applied (with modifications) (13.7.2004) by London Local Authorities Act 2004 (c. i), ss. 1(1), **10(1)**

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**Marginal Citations**

- M1** 1974 c. 37.

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