



Building Safety Act 2022

2022 CHAPTER 30

PART 3

BUILDING ACT 1984

Building control authorities and building regulations

36 Lapse of building control approval etc

- (1) The Building Act 1984 is amended as follows.
- (2) For section 32 substitute—

“32 Lapse of building control approval

- (1) This section applies where—
 - (a) an application for building control approval in respect of any work is made on any day (“the relevant day”), and
 - (b) the application is granted.
- (2) Where—
 - (a) the work relates to one building, and
 - (b) the work is not commenced within 3 years from the end of the relevant day,the relevant provisions have effect as if the application had not been made (and the approval had not been given).
- (3) Where—
 - (a) the work relates to more than one building, and
 - (b) the work relating to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day,

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the relevant provisions have effect in relation to those buildings and the relevant work as if the application had not been made (and the approval had not been given).

- (4) In [subsection \(1\)](#) the reference to an application for building control approval is to an application for approval of a kind mentioned in [paragraph 1B\(2\)\(a\)](#) of Schedule 1.
- (5) In this section “the relevant provisions” means this Act and regulations made under it except the following provisions and any regulations made under them—
 - (a) sections 56, [56A](#), [56B](#) and 91A (records and registers etc);
 - (b) [section 105B](#) (fees and charges).
- (6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section.”
- (3) In section 47(4)(b) (time when initial notice ceases to be in force) for “below”, in the first place it occurs, substitute “(final certificates) and [section 53A](#) (lapse of initial notice)”.
- (4) In section 50 (plans certificates) omit [subsection \(8\)](#).
- (5) In section 52 (cancellation of initial notice) omit [subsection \(5\)](#).
- (6) In section 53(2) (effect of initial notice ceasing to be in force: general)—
 - (a) at the end of [paragraph \(a\)](#) insert “and”;
 - (b) omit paragraph (c) and the “and” immediately before it.
- (7) After section 53 insert—

“53A Lapse of initial notice

- (1) This section applies where—
 - (a) on any day (“the relevant day”) an initial notice is given in respect of any work, and
 - (b) the initial notice is accepted.
- (2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—
 - (a) the initial notice ceases to be in force, and
 - (b) if a plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).
- (3) Where the work relates to more than one building, and the work in relation to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day—
 - (a) the initial notice ceases to be in force so far as it relates to the relevant work, and
 - (b) if a plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).

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- (4) For the purposes of [subsection \(3\)\(b\)](#) it does not matter whether the plans certificate also relates to work other than the relevant work.
- (5) In this section “the relevant provisions” has the meaning given by [section 32](#).
- (6) Building regulations may make provision about when work, or work relating to a building, is to be regarded as commenced for the purposes of this section.”
- (8) In section 54(4)—
 - (a) omit the “and” at the end of [paragraph \(a\)](#);
 - (b) after [paragraph \(b\)](#) insert “, and
 - (c) with the substitution, in subsection (2)(d), of a reference to paragraph 4A of Schedule 4 for the reference to section 53A.”
- (9) [Schedule 4](#) is amended as follows.
- (10) In paragraph 1(1) for “below” substitute “(final certificates) and paragraph 4A (lapse of public body’s notice)”.
- (11) In paragraph 2 omit sub-paragraph (6).
- (12) In paragraph 4(2) omit paragraph (c) and the “and” before it.
- (13) After paragraph 4 insert—

“Lapse of public body’s notice

- 4A (1) This paragraph applies where—
 - (a) on any day (“the relevant day”) a public body’s notice is given in respect of any work, and
 - (b) the public body’s notice is accepted.
- (2) Where the work relates to one building and is not commenced within 3 years from the end of the relevant day—
 - (a) the public body’s notice ceases to be in force, and
 - (b) if a public body’s plans certificate relating to the work (or any part of it) has been accepted, the relevant provisions have effect as if the certificate had not been given (or accepted).
- (3) Where the work relates to more than one building, and the work in relation to one or more of the buildings (“the relevant work”) is not commenced within 3 years from the end of the relevant day—
 - (a) the public body’s notice ceases to be in force so far as it relates to the relevant work, and
 - (b) if a public body’s plans certificate relating to the relevant work (or any part of it) has been accepted, the relevant provisions have effect as if, as regards the relevant work, the certificate had not been given (or accepted).
- (4) For the purposes of [sub-paragraph \(3\)\(b\)](#) it does not matter whether the public body’s plans certificate also relates to work other than the relevant work.
- (5) In this paragraph “the relevant provisions” has the meaning given by [section 32](#).

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- (6) Building regulations may make provision about when work (or work relating to a building) is to be regarded as commenced for the purposes of this paragraph.”

Commencement Information

- I1** S. 36 not in force at Royal Assent, see [s. 170\(4\)\(b\)\(iii\)\(c\)](#)
- I2** [S. 36](#) in force at 6.4.2023 for specified purposes except in relation to W. by [S.I. 2023/362](#), [reg. 3\(1\)\(o\)](#)
- I3** [S. 36](#) in force at 5.9.2023 for specified purposes for W. by [S.I. 2023/914](#), [reg. 2\(b\)\(iii\)](#)
- I4** [S. 36](#) in force at 1.10.2023 in so far as not already in force except in relation to W. by [S.I. 2023/993](#), [reg. 2\(g\)](#) (with [regs. 3, 5](#))

Changes to legislation:

There are currently no known outstanding effects for the Building Safety Act 2022, Section 36.