Local authorities to be enforcing authorities in certain cases

3.—(1) Where the main activity carried on in non-domestic premises is specified in Schedule 1, the local authority for the area in which those premises are situated shall be the enforcing authority for them, and the Executive shall be the enforcing authority in any other case including the common parts of domestic premises.

(2) Where such premises are occupied by more than one occupier each part separately occupied shall be regarded as being separate premises for the purposes of paragraph (1).

(3) While a vehicle is parked in connection with the sale from it of food, drink or other articles the vehicle together with its pitch shall be regarded as separate premises for the purposes of paragraph (1).

(4) Where paragraph (2) applies, the local authority shall be the enforcing authority for the common parts, except that—

(a) if the Executive is the enforcing authority for—

(i) all other parts of the premises, the Executive shall be the enforcing authority for the common parts;

(ii) any other part of the premises and the occupier of that part has any obligations under the relevant statutory provisions for any matters appertaining to the common parts, the Executive shall be the enforcing authority for those provisions in respect of such matters;

(b) in the case of land within the perimeter of an airport the Executive shall be the enforcing authority for the common parts—

(i) which are not within a building; or

(ii) to which passengers are admitted but other members of the public are not admitted.

(5) Paragraph (2) shall not apply to—

(a) the tunnel system within the meaning it would have in section 1(7) of the Channel Tunnel Act 1987(1) if the words “to be” did not appear;

(b) an offshore installation within the meaning of regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulation 1995(2);

(c) a building or construction site, that is to say, premises where the only activities being undertaken are construction work and activities for the purposes of or in connection with such work;

(d) the campus of a university, polytechnic, college, school or similar educational establishment;

(e) a hospital;

and the Executive shall be the enforcing authority for the whole of any such premises.

(1) 1987 c. 53.
(2) S.I.1995/738.
(6) Notwithstanding paragraph (4), the Executive shall be the enforcing authority for the common parts in a railway station or terminal or in a goods yard which is served by a railway.

(7) This regulation shall have effect subject to regulations 4, 5 and 6.