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STATUTORY INSTRUMENTS

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**2023 No. 908**

**BUILDING AND BUILDINGS**

**The Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023**

*Made - - - - 9th August 2023*

*Coming into force in accordance with regulation 1*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 166 and 168(2) of the Building Safety Act 2022(1).

A draft of these Regulations was laid before and approved by a resolution of both Houses of Parliament in accordance with section 168(6) of the Building Safety Act 2022.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Building Safety Act 2022 (Consequential Amendments etc.) Regulations 2023.

(2) These Regulations come into force on the day on which section 32 of the Building Safety Act 2022 (building control authorities) comes into force in relation to England, ignoring any commencement of that section for the purpose only of making regulations.

(3) These Regulations extend to England and Wales.

**Amendments to the London Building Acts (Amendment) Act 1939**

2.—(1) The London Building Acts (Amendment) Act 1939(2) is amended as follows.

(2) In section 4(1) (interpretation)—

(i) omit the definition of “notice is given or plans are deposited”;

(ii) insert the following definition in the appropriate place—

““notice is given or application for building control approval is made” means a building notice is given or an application for building control approval is made under regulation 12 of the Building Regulations 2010 or an initial notice or public body’s notice is given under sections 47(1) or 54(1) of the Building Act 1984;”.

(3) In section 82 (duties of district surveyor)—

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(1) 2022 c. 30.  
(2) 1939 c. xcvi.

- (a) in subsection (2)(a), for “notice is given or plans are deposited” substitute “notice is given or application for building control approval is made”;
  - (b) in subsection (2)(b), for “notice has not been given or plans have not been deposited” substitute “notice has not been given or application for building control approval has not been made”.
- (4) In section 87(1) (service of notice of objection)—
- (a) for “notice is given or plans are deposited” substitute “notice is given or application for building control approval is made”;
  - (b) for “those plans” substitute “that application”;
  - (c) for “a court of summary jurisdiction who” substitute “the First-tier Tribunal which”.
- (5) In section 88(b) (service of notice of irregularity) for “notice has not been given or plans have not been deposited” substitute “notice has not been given or application for building control approval has not been made”.
- (6) In section 89(2) (notice of irregularity after completion of building work &c.) for “notice has not been given and plans have not been deposited” substitute “notice has not been given and application for building control approval has not been made”.

#### **Amendments to the County of Merseyside Act 1980**

- 3.—(1) The County of Merseyside Act 1980<sup>(3)</sup> is amended as follows.
- (2) In section 2(1) (interpretation) after the definition of “the Act of 1976” insert—
- ““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”
- (3) In section 20(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must, in the opinion of the local authority, be deposited” substitute “for which an application for building control approval must be made”.
- (4) In section 55 (access to fire brigade)—
- (a) in subsection (1)—
    - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
    - (ii) for “reject the plans” substitute “reject the application”;
    - (iii) for “plans show” substitute “application shows”;
  - (b) for subsection (4) substitute—
 

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

#### **Amendments to the Cheshire County Council Act 1980**

- 4.—(1) The Cheshire County Council Act 1980<sup>(4)</sup> is amended as follows.
- (2) In section 2(1) (interpretation) after the definition of “the Act of 1976” insert—

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(3) 1980 c. x.  
 (4) 1980 c. xiii.

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 29(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

(4) In section 50 (access for fire brigade)—

(a) in subsection (1)—

(i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;

(ii) for “reject the plans” substitute “reject the application”;

(iii) for “plans show” substitute “application shows”;

(b) for subsection (4) substitute—

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

#### **Amendments to the West Yorkshire Act 1980**

**5.—**(1) The West Yorkshire Act 1980(5) is amended as follows.

(2) In section 2(1) (interpretation) after the definition of “the Act of 1976” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 9 (culverting streams before development)—

(a) in subsection (1)—

(i) for “Where plans of any proposed work are” substitute “Where an application for building control approval for any proposed work is”;

(ii) for “deposited with” substitute “made to”;

(iii) for “passing the plans” substitute “approving the application”;

(b) in subsection (3)—

(i) for “plans of any proposed work were deposited with” substitute “an application for building control approval for any proposed work was made to”;

(ii) for “appeal to the Secretary of State” substitute “appeal to the building safety regulator”;

(iii) for “Section 69 of the Health and Safety at Work etc. Act 1974 (appeals to the Secretary of State)” substitute “Section 43A of the Building Act 1984”;

(iv) omit the words from “Provided that” to the end.

(4) In section 56 (orders for insulating new buildings), in subsection (7)—

(a) for “Where plans” substitute “Where an application for building control approval”;

(b) for “are, in accordance with building regulations, deposited with” substitute “is, in accordance with building regulations, made to”;

(c) for “reject the plans” substitute “reject the application”.

## Amendments to the Highways Act 1980

6.—(1) The Highways Act 1980(6) is amended as follows.

(2) In section 203 (interpretation of Part XI)—

- (a) in subsection (2)(b)(i) after “any land” insert “in Wales”;
- (b) after subsection (2)(b)(i) insert—

“(ia) any land in England shown as a proposed street on plans with respect to that building which accompany an application for building control approval under building regulations or on an application for planning permission under the Town and Country Planning Act 1990.”;

(c) in subsection (3), at the appropriate places insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”;

““building safety regulator” means the regulator within the meaning of Part 2 of the Building Safety Act 2022.”.

(3) In section 219 (payments to be made by owners of new buildings in respect of street works), in subsection (1)(a), after “a building” insert—

“—

- (i) in England for which an application for building control approval must be made, or
- (ii) in Wales”.

(4) In section 220 (determination of liability for, and amount of, payments)—

(a) in subsection (1)—

- (i) after “erection of a building” insert “in Wales”;
- (ii) omit “(2) or”;
- (iii) omit “district council or”;
- (iv) for “subsections (2) and (2A)” substitute “subsection (2A)”;

(b) after subsection (1) insert—

“(1A) In a case in England to which section 219 applies the street works authority shall, within 6 weeks from their granting of any required application for building control approval relating to the erection of a building or, in a case to which subsection (2) applies, the granting of such an application by the district council or the building safety regulator, serve a notice on the person by or on whose behalf the application for building control approval was made requiring the payment or the securing under section 219 of a sum specified in the notice.”;

(c) for subsection (2) substitute—

“(2) In any case in England to which section 219 may be applicable—

- (a) where (outside Greater London) the advance payments code is in force in the whole or any part of a non-metropolitan district, the district council shall within one week from the date of granting the application for building control approval relating to the erection of a building in England in an area in which that code is in force inform the street works authority that the application has been granted; and

- (b) where the building safety regulator has granted an application for building control approval relating to the erection of a building in England in an area in which the advance payments code is in force, the regulator shall within one week from the date of granting the application inform the street works authority that the application has been granted.”;
  - (d) in subsections (3), (4), (7) and (8) for “subsection (1)”, in each place it occurs, substitute “subsection (1) or (1A)”.
- (5) In section 223 (determination to cease to have effect when plans not proceeded with)—
  - (a) in subsection (1) after “erection of a building” insert “in Wales”;
  - (b) after subsection (1) insert—

“(1A) Where, on the granting of an application for building control approval for the erection of a building in England, the amount to be paid or secured under section 219 has been determined under section 220, and subsequently—

    - (a) by virtue of section 32 of the Building Act 1984 the approval is treated as not having been given, or
    - (b) before any work has been done in or for the purpose of erecting the building the owner gives notice of their intention not to proceed with the building to—
      - (i) the building safety regulator, as respect a higher-risk building, or
      - (ii) the local authority, as respects any other building,

the said determination and any payment made or security given in accordance with it are, unless there have already been carried out or commenced in the street under the private street works code street works in respect of which the owner of the land on which the building was to be erected is liable, of no effect for the purposes of this Part of this Act.”;
  - (c) in subsection (2) after “subsection (1)” insert “or (1A)”;
  - (d) after subsection (5) insert—

“(5A) Where—

    - (a) a person gives notice in accordance with subsection (1A)(b) of their intention not to proceed with the building and by reason thereof a determination is of no effect, and
    - (a) subsequently notice is given by the owner of the land that they intend to proceed with the building in accordance with the approval given under the application for building control approval as originally made,

the notice to be served under section 220(1A) by the street works authority shall, in lieu of being served as required by that subsection, be served within one month from the date of the service of the notice of intention to proceed with the building, and section 220 has effect accordingly.”;
  - (e) for the opening words of subsection (6) substitute—

“(5B) As respects England, in any case to which this section may be applicable and one of the events referred to in subsection (5C) takes place—

    - (a) where the advance payments code is in force in the whole or any part of a non-metropolitan district, the district council shall within one week inform the county council of the happening of the event in question;
    - (b) where the building safety regulator has granted an application for building control approval relating to the erection of a building in an area in which the advance payments code is in force, the regulator shall within one week inform the street works authority of the happening of the event in question.

- (5C) The events mentioned in subsection (5B) are—
- (a) the lapse, under section 32 of the Building Act 1984, of a building control approval granted by the district council, or the building safety regulator, as the case may be;
  - (b) the giving of any notice by an owner of an intention not to proceed with a building in respect of which an application for building control approval was made;
  - (c) the giving of any notice by an owner of an intention to proceed with the building in accordance with the application for building control approval as originally made.
- (6) The following kinds of event are relevant for the purposes of subsection (7)—”.

(6) In section 224 (certain matters to be local land charges), in subsection (2)(a), after “section 220(1)” insert “, (1A)”.

### **Amendments to the Greater Manchester Act 1981**

7.—(1) The Greater Manchester Act 1981(7) is amended as follows.

(2) In section 2(1) (interpretation) after the definition of “the Act of 1980” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 58(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

(4) In section 63 (access for fire brigade)—

(a) in subsection (1)—

(i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;

(ii) for “reject the plans” substitute “reject the application”;

(iii) for “plans show” substitute “application shows”;

(b) for subsection (4) substitute—

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

(5) In section 103(7) (order for insulating new buildings)—

(a) for “Where plans” substitute “Where an application for building control approval”;

(b) for “are, in accordance with building regulations, deposited with” substitute “is, in accordance with building regulations, made to”;

(c) for “reject the plans” substitute “reject the application”.

### **Amendments to the County of Kent Act 1981**

8.—(1) The County of Kent Act 1981(8) is amended as follows.

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(7) 1981 c. ix.

(8) 1981 c. xviii.

- (2) In section 2(1) (interpretation), after the definition of “the Act of 1980” insert—  
““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.
- (3) In section 53 (access for fire brigade)—
  - (a) in subsection (1)—
    - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
    - (ii) for “reject the plans” substitute “reject the application”;
    - (iii) for “plans show” substitute “application shows”;
  - (b) for subsection (4) substitute—  
“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.
- (4) In section 76(7) (orders for insulating new buildings)—
  - (a) for “Where plans” substitute “Where an application for building control approval”;
  - (b) for “are, in accordance with building regulations, deposited with” substitute “is, in accordance with building regulations, made to”;
  - (c) for “reject the plans” substitute “reject the application”.
- (5) Omit section 78 (approval of plan to be void after certain interval).

### **Amendments to the Staffordshire Act 1983**

- 9.—(1) The Staffordshire Act 1983(9) is amended as follows.
- (2) In section 2(1) (interpretation) after the definition of “the Act of 1980” insert—  
““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.
- (3) In section 26 (access for fire brigade)—
  - (a) in subsection (1)—
    - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
    - (ii) for “reject the plans” substitute “reject the application”;
    - (iii) for “plans show” substitute “application shows”;
  - (b) for subsection (4) substitute—  
“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.
- (4) In section 48(1) (foundations of buildings liable to subsidence)—
  - (a) for “plans are deposited with” substitute “an application for building control approval is made to”;
  - (b) for “reject the plans” substitute “reject the application”;

- (c) for “they show”, substitute “it shows”.

### **Amendments to the Surrey Act 1985**

**10.**—(1) The Surrey Act 1985(10) is amended as follows.

(2) In section 2(1) (interpretation) after the definition of “the Act of 1984” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 18 (parking places: safety requirements)—

(a) in subsection (2)—

- (i) for “plans of” substitute “an application for building control approval for”;
- (ii) for “are deposited with” substitute “is made to”;
- (iii) for “plans show” substitute “application shows”;
- (iv) for “reject the plans” substitute “reject the application”;

(b) in subsection (3) for “plans may be passed” substitute “the application for building control approval may be granted”;

(c) in subsection (4)—

- (i) omit “Section 16(6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and”;
- (ii) for “that Act”, where it first occurs, substitute “the Building Act 1984”;

(d) for subsection (5) substitute—

“(5) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”;

(e) in subsection (6) for “plans have been passed” substitute “the application for building control approval has been granted”;

(f) in subsection (7)—

- (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval had to be made”;
- (ii) for “plans of the work consisting of, or including, the parking place had been deposited” substitute “an application for building control approval of the work consisting of, or including, the parking place had been made”;

(g) in subsection (12)—

- (i) for “deposit of such plans as are” substitute “the application”;
- (ii) in paragraph (b), for “plans in respect of any building have been passed” substitute “an application for building control approval in respect of any building has been granted”.

(4) In section 19 (fire precautions in large storage buildings)—

(a) in subsection (2)—

- (i) for “plans are deposited with” substitute “an application for building control approval is made to”;
- (ii) for “plans show” substitute “application shows”;



- (iii) for “reject the plans” substitute “reject the application”;
- (b) in subsection (3)—
  - (i) for “plans may be passed” substitute “the application for building control approval may be granted”;
  - (ii) for “those plans are deposited” substitute “that application is made”;
- (c) in subsection (5)—
  - (i) omit “Section 16(6) to (8) of the Building Act 1984 shall apply to plans mentioned in subsection (2) above as they apply to plans mentioned in those subsections and”;
  - (ii) for “that Act”, where it first occurs, substitute “the Building Act 1984”;
- (d) for subsection (6) substitute—

“(6) A person aggrieved by the action of the district council under subsection (2) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal.”;
- (e) in subsection (7)—
  - (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval made”;
  - (ii) for “plans of the work consisting of, or including, the building had been so deposited” substitute “an application for building control approval of the work consisting of, or including, the building had been made”;
  - (iii) for “passed the plans” substitute “granted the application”.
- (5) In section 20 (access for fire brigade)—
  - (a) in subsection (1)—
    - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
    - (ii) for “reject the plans” substitute “reject the application”;
    - (iii) for “plans show” substitute “application shows”;
  - (b) in subsection (3)—
    - (i) omit “Section 16(6) and (7) of the Building Act 1984 shall apply to plans mentioned in subsection (1) above as they apply to plans mentioned in those subsections and”;
    - (ii) for “that Act”, where it first occurs, substitute “the Building Act 1984”;
  - (c) for subsection (4) substitute—

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

### **Amendments to the Leicestershire Act 1985**

- 11.**—(1) The Leicestershire Act 1985(11) is amended as follows.
- (2) In section 2(1) (interpretation) after the definition of “the Act of 1984” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 21(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

(4) In section 50 (access for fire brigade)—

(a) in subsection (1)—

(i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;

(ii) for “reject the plans” substitute “reject the application”;

(iii) for “plans show” substitute “application shows”;

(b) in subsection (3), omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;

(c) for subsection (4) substitute—

“(4) A person aggrieved by the rejection of an application for building control approval under this section may appeal to the First-tier Tribunal.”

(5) In section 54 (means of escape from fire in certain buildings)—

(a) in subsection (5)—

(i) for “Where plans of a building or of” substitute “Where an application for building control approval for a building or for”;

(ii) for “deposited with” substitute “made to”;

(iii) for “reject the plans unless they show” substitute “reject the application unless it shows”;

(b) for subsection (7) substitute—

“(7) A person aggrieved by the rejection of an application for building control approval under this section may appeal to the First-tier Tribunal.”

### **Amendments to the Poole Borough Council Act 1986**

**12.**—(1) The Poole Borough Council Act 1986(12) is amended as follows.

(2) In section 2 (interpretation) after the definition of “the Act of 1984” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 6(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

(4) In section 10 (parking places: safety requirements)—

(a) in subsection (2)—

(i) for “plans of any proposed work are deposited with” substitute “an application for a building control approval is made to”;

(ii) for “plans show” substitute “application shows”;

(iii) for “reject the plans” substitute “reject the application”;

- (b) in subsection (3) for “plans may be passed” substitute “the application for building control approval may be granted”;
  - (c) in subsection (4) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
  - (d) for subsection (5) substitute—
    - “(5) A person aggrieved by the action of the Council under subsection (2) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”;
  - (e) in subsection (6) for “plans have been passed” substitute “the application for building control approval has been granted”;
  - (f) in subsection (7)—
    - (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval had to be made”;
    - (ii) for “plans of the work consisting of, or including, the parking place has been deposited” substitute “an application for building control approval of the work consisting of, or including, the parking place has been made”;
  - (g) in subsection (12)—
    - (i) in paragraph (a), for “deposit of such plans as are” substitute “the application”;
    - (ii) in paragraph (b), for “plans in respect of any building have been passed” substitute “an application for building control approval in respect of any building has been granted”.
- (5) In section 11 (access for fire brigade)—
- (a) in subsection (1)—
    - (i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;
    - (ii) for “reject the plans” substitute “reject the application”;
    - (iii) for “plans show” substitute “application shows”;
  - (b) in subsection (3), omit “Section 16(6) and (7) and” and “notice of rejection or passing of plans and”;
  - (c) for subsection (4) substitute—
    - “(4) A person aggrieved by the action of the Council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.
- (6) In section 13(3) (buildings used for storage of flammable substances) for “plans of the building were deposited” substitute “an application for building control approval in respect of the building was made”.
- (7) In section 14 (fire precautions in large storage buildings)—
- (a) in subsection (2)—
    - (i) for “plans are deposited with” substitute “an application for building control approval is made to”;
    - (ii) for “plans show” substitute “application shows”;
    - (iii) for “reject the plans” substitute “reject the application”;

- (b) in subsection (3)—
  - (i) for “plans may be passed” substitute “the application for building control approval may be granted”;
  - (ii) for “those plans are deposited” substitute “that application is made”;
- (c) in subsection (5) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
- (d) for subsection (6) substitute—
 

“(6) A person aggrieved by the action of the Council under subsection (2) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”;
- (e) in subsection (7)—
  - (i) for “plans, sections, specifications or written particulars deposited” substitute “application for building control approval made”;
  - (ii) for “plans of the work consisting of, or including, the building had been so deposited” substitute “an application for building control approval of the work consisting of, or including, the building had been made”;
  - (iii) for “passed the plans” substitute “granted the application”.
- (8) In section 15 (fire precautions in high buildings) —
  - (a) in subsection (1)—
    - (i) for “plans are deposited with” substitute “an application for building control approval is made to”;
    - (ii) for “plans show” substitute “application shows”;
    - (iii) for “reject the plans” substitute “reject the application”;
  - (b) in subsection (2) for “plans may be passed” substitute “the application for building control approval may be granted”;
  - (c) in subsection (4) omit “Section 16(6) to (8) and” and “notice of rejection or passing of plans and”;
  - (d) for subsection (5) substitute—
 

“(5) A person aggrieved by the action of the Council under subsection (1) above in rejecting an application for building control approval, or in imposing any conditions, may appeal to the First-tier Tribunal and on an appeal under this section the tribunal may dismiss or allow the appeal or may vary the decision of the Council against which the appeal is made.”.

### **Amendments to the Berkshire Act 1986**

- 13.**—(1) The Berkshire Act 1986(**13**) is amended as follows.
- (2) In section 2(1) (interpretation) after the definition of “the Act of 1984” insert—
 

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 28(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

(4) In section 32 (access for fire brigade)—

(a) in subsection (1)—

(i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;

(ii) for “reject the plans” substitute “reject the application”;

(iii) for “plans show” substitute “application shows”;

(b) in subsection (3) omit “Section 16(7) and (8) and” and “notice of rejection or passing of plans and”;

(c) for subsection (4) substitute—

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

#### **Amendments to the Plymouth City Council Act 1987**

**14.**—(1) The Plymouth City Council Act 1987(**14**) is amended as follows.

(2) In section 3(1) (interpretation) after the definition of “the Act of 1961” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) In section 7(1)(a) (safety of stands) for “of which plans, sections, specifications or written particulars must be deposited” substitute “for which an application for building control approval must be made”.

#### **Amendments to the Essex Act 1987**

**15.**—(1) The Essex Act 1987(**15**) is amended as follows.

(2) In section 2(1) (interpretation) after the definition of “the Act of 1984” insert—

““application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);”.

(3) Omit section 7 (approval of plans to be of no effect after certain interval).

(4) In section 13 (access for fire brigade)—

(a) in subsection (1)—

(i) for “plans for the erection or extension of a building are deposited with” substitute “an application for building control approval for the erection or extension of a building is made to”;

(ii) for “reject the plans” substitute “reject the application”;

(iii) for “plans show” substitute “application shows”;

(b) in subsection (3) for “Sections 16 and” substitute “Section”;

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(14) 1987 c. iv.

(15) 1987 c. xx.

(c) for subsection (4) substitute—

“(4) A person aggrieved by the action of the district council in rejecting an application for building control approval under this section may appeal to the First-tier Tribunal.”.

### **Amendment to the Clean Air Act 1993**

**16.** In section 16 (height of other chimneys) of the Clean Air Act 1993<sup>(16)</sup>, after subsection (4) insert—

“(4A) In the application of this section to England—

- (a) any reference to plans deposited in accordance with building regulations shall be read as a reference to the plans, specifications and other information submitted with an application for building control approval;
- (b) any reference to a local authority shall be read as including a reference to the building safety regulator;
- (c) any reference to the rejection of plans shall be read as a reference to the rejection of an application for building control approval;
- (d) any reference to the notice given under section 16(6) of the Building Act 1984 shall be read as a reference to a notice of rejection of an application for building control approval given in accordance with building regulations,

(4B) In subsection (4A)—

“application for building control approval” means an application in accordance with building regulations for building control approval (as defined in paragraph 1B of Schedule 1 to the Building Act 1984);

“building safety regulator” means the regulator within the meaning of Part 2 of the Building Safety Act 2022.”.

### **Transitional provision**

**17.—(1)** The amendments in these Regulations do not apply in relation to any building work for which a notice was given or full plans were deposited with a local authority before the date on which these Regulations come into force.

(2) In this regulation—

“building work” and “full plans” have the meanings given in regulation 2 of the Building Regulations 2010<sup>(17)</sup>;

“notice” means a building notice given under regulation 12 of the Building Regulations 2010 or an initial notice given under section 47 of the Building Act 1984.

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<sup>(16)</sup> 1993 c. 11.  
<sup>(17)</sup> S.I. 2010/2214.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

9th August 2023

*Lee Rowley*  
Parliamentary Under Secretary of State  
Department for Levelling Up, Housing and  
Communities

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments which are consequential on Part 3 of the Building Safety Act 2022 (c. 30) (“the 2022 Act”).

Regulations 2 to 16 make consequential amendments to the London Building Acts (Amendment) Act 1939, the County of Merseyside Act 1980, the Cheshire County Council Act 1980, the West Yorkshire Act 1980, the Highways Act 1980, the Greater Manchester Act 1981, the County of Kent Act 1981, the Staffordshire Act 1983, the Surrey Act 1985, the Leicestershire Act 1985, the Poole Borough Council Act 1986, the Berkshire Act 1986, the Plymouth City Council Act 1987, the Essex Act 1987 and the Clean Air Act 1993.

These amendments relate to the repeal by paragraph 20 of Schedule 5 to the 2022 Act of section 16 of the Building Act 1984 (c. 55), which provided for the deposit of plans for proposed building work with local authorities. Section 33 of the 2022 provides for the making of applications for building control approval instead of depositing of plans. Paragraph 1B of Schedule 1 to the Building Act 1984, in particular, makes provision about applications for building control approval. For the most part these amendments replace a reference to deposit of plans with a reference to the making of an application for building control approval.

Regulation 17 makes transitional provisions to ensure the amendments in these Regulations do not affect building work for which a notice is given or plans are deposited under section 16 of the Building Act 1984 before 1st October 2023.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.