



# Building Act 1984

## 1984 CHAPTER 55

### PART II

#### SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY [<sup>F1</sup>LOCAL AUTHORITIES][<sup>F1</sup>BUILDING CONTROL AUTHORITIES]

##### *Supervision of plans and work by approved inspectors*

#### **47 Giving and acceptance of initial notice.**

(1) If—

- (a) a notice in the prescribed form [<sup>F1</sup>relating to work that is not higher-risk building work] (called an “initial notice”) is given jointly to a local authority by a person intending to carry out [<sup>F2</sup>the] work and a person who is an approved inspector in relation to that work,
- (b) the initial notice is accompanied by such plans of the work as may be prescribed,
- (c) <sup>F3</sup>...and
- (d) the initial notice is accepted by the local authority,

then, so long as the initial notice continues in force, the approved inspector by whom the notice was given shall undertake such functions as may be prescribed with respect to the inspection of plans of the work [<sup>F4</sup>to which the notice relates], the supervision of that work and the giving [<sup>F5</sup>and receiving] of certificates and other notices.

(2) A local authority to whom an initial notice is given—

- (a) may not reject the notice except on prescribed grounds, and
- (b) shall reject the notice if any of the prescribed grounds exists,

and, in a case where the work to which an initial notice relates is work of such a description that, if [<sup>F6</sup>plans of it had been deposited with][<sup>F6</sup>an application for building control approval in respect of it had been made to] the local authority, the authority could, under any enactment, have imposed requirements as a condition of

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[<sup>F7</sup>passing the plans][<sup>F7</sup>granting the application], the local authority may impose the like requirements as a condition of accepting the initial notice.

- (3) Unless, within the prescribed period, the local authority to whom an initial notice is given give notice of rejection, specifying the ground or grounds in question, to each of the persons by whom the initial notice was give, the authority is conclusively presumed to have accepted the initial notice and to have done so without imposing any such requirements as are referred to in subsection (2) above.

[<sup>F8</sup>(3A) Subsection (3) does not apply in prescribed circumstances.]

(4) An initial notice—

- (a) comes into force when it is accepted by the local authority, either by notice given within the prescribed period to each of the persons by whom it was given or by virtue of subsection (3) above, and
- (b) subject to section 51(3) [<sup>F9</sup>below][<sup>F9</sup>(final certificates) and [section 53A](#) (lapse of initial notice)], continues in force until—
- (i) it is cancelled by a notice under section 52 below, [<sup>F10</sup>or]
- [<sup>F11</sup>(ia) it is cancelled, in whole or in part, by a notice under section [52A](#),]
- [<sup>F12</sup>(ib) it is cancelled by a notice under section [53D](#), or]
- (ii) the occurrence of, or the expiry of a prescribed period of time beginning on the date of, such event as may be prescribed;
- and building regulations may empower a local authority to extend (whether before or after its expiry) any such period of time as is referred to in paragraph (ii) above.

(5) The form prescribed for an initial notice may be such as to require—

- (a) either or both of the persons by whom the notice is to be given to furnish information relevant for the purposes of this Act, Part II or IV of the <sup>M1</sup>Public Health Act 1936 or any provision of building regulations, and
- (b) the approved inspector by whom the notice is to be given to enter into undertakings with respect to his performance of any of the functions referred to in subsection (1) above.

<sup>F13</sup>(6) .....

<sup>F14</sup>(7) .....

[<sup>F15</sup>(8) This section is subject to sections 53 and [53B](#) (new initial notices).]

#### Textual Amendments

- F1** Words in [s. 47\(1\)\(a\)](#) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 46\(1\)\(a\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(u\)](#); S.I. 2023/914, [reg. 2\(b\)\(x\)](#); S.I. 2023/993, [reg. 2\(1\)](#) (with [regs. 4, 8](#))
- F2** Word in [s. 47\(1\)\(a\)](#) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 46\(1\)\(b\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(u\)](#); S.I. 2023/914, [reg. 2\(b\)\(x\)](#); S.I. 2023/993, [reg. 2\(1\)](#) (with [regs. 4, 8](#))
- F3** [S. 47\(1\)\(c\)](#) omitted (28.7.2022) by virtue of [Building Safety Act 2022 \(c. 30\)](#), [ss. 48\(2\)\(a\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2022/561, [reg. 4](#); S.I. 2022/774, [reg. 2](#)
- F4** Words in [s. 47\(1\)](#) substituted (14.10.1996) by S.I. 1996/1905, [art. 3\(2\)\(a\)](#)

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- F5** Words in s. 47(1) inserted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), ss. 8(2), 11(3); S.I. 2006/224, art. 2(c)
- F6** Words in s. 47(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 40(2)(a); S.I. 2023/993, reg. 2(n)(xiii)
- F7** Words in s. 47(2) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 40(2)(b); S.I. 2023/993, reg. 2(n)(xiii)
- F8** S. 47(3A) inserted (6.4.2023 except in relation to W., 5.9.2023 for W. in so far as not already in force) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 40(3); S.I. 2023/362, reg. 3(1)(w)(ii); S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 16
- F9** Words in s. 47(4)(b) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 36(3), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)
- F10** Word in s. 47(4)(b) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), ss. 46(4)(a), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(u); S.I. 2023/914, reg. 2(b)(x); S.I. 2023/993, reg. 2(l) (with reg. 8)
- F11** S. 47(4)(b)(ia) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 46(4)(b), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(u); S.I. 2023/914, reg. 2(b)(x); S.I. 2023/993, reg. 2(l) (with reg. 8)
- F12** S. 47(4)(b)(ib) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 51(3)(a), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F13** S. 47(6) omitted (28.7.2022) by virtue of Building Safety Act 2022 (c. 30), ss. 48(2)(b), 170(4)(b)(c); S.I. 2022/561, reg. 4; S.I. 2022/774, reg. 2
- F14** S. 47(7) omitted (28.7.2022) by virtue of Building Safety Act 2022 (c. 30), ss. 48(2)(b), 170(4)(b)(c); S.I. 2022/561, reg. 4; S.I. 2022/774, reg. 2
- F15** S. 47(8) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 51(3)(b), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)

#### Modifications etc. (not altering text)

- C1** S. 47 excluded (21.7.1994) by 1994 c. xv, s. 58(9)

#### Marginal Citations

- M1** 1936 c. 49.

## 48 Effect of initial notice.

- (1) So long as an initial notice continues in force, the function of enforcing building regulations that is conferred on a local authority by section 91(2) below is not exercisable in relation to the work [<sup>F16</sup>to which the notice relates], and accordingly—
- a local authority may not give a notice under section [<sup>F17</sup>35B, 35C or] 36(1) above in relation to [<sup>F18</sup>that work], and
  - a local authority may not institute proceedings under section 35 above for a contravention [<sup>F19</sup>of building regulations] that arises out of the carrying out of [<sup>F18</sup>that work].
- (2) For the purposes of the enactments specified in subsection (3) below—

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- (a) the giving of an initial notice accompanied by such plans as are referred to in section 47(1)(b) above shall be treated as the <sup>F20</sup>deposit of plans<sup>F20</sup> making of an application for building control approval],
  - (b) the plans accompanying an initial notice shall be treated as the <sup>F21</sup>deposited plans<sup>F21</sup> plans accompanying the application for building control approval],
  - (c) the acceptance or rejection of an initial notice shall be treated as the <sup>F22</sup>passing or, as the case may be, the rejection of plans<sup>F22</sup> approval or rejection of the application], and
  - (d) <sup>F23</sup>where an initial notice ceases to be in force under section 53A, the application for building control approval (treated by virtue of paragraph (a) as made) is to be treated as if it was not made (and the approval was not given).]
- (3) The enactments referred to in subsection (2) above are—
- (a) section 36(2) above,
  - (b) section 36(5) above, in so far as it relates to a notice under section 36(2) above and to non-compliance with any such requirement as is referred to in that subsection,
  - (c) section 36(6) above, in so far as it relates to a contravention of this Act,
  - (d) section 18(2) above, and
  - (e) sections 219 to 225 of the <sup>M2</sup>Highways Act 1980 (the advance payments code).

<sup>F24</sup>(4) .....

#### Textual Amendments

- F16** Words in s. 48(1) substituted (14.10.1996) by S.I. 1996/1905, art. 3(3)(a)
- F17** Words in s. 48(1)(a) inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(2)(a); S.I. 2023/993, reg. 2(n)(xiv)
- F18** Words in s. 48(1)(a)(b) substituted (14.10.1996) by S.I. 1996/1905, art. 3(3)(b)
- F19** Words in s. 48(1)(b) omitted (1.10.2023 except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(2)(b); S.I. 2023/993, reg. 2(n)(xiv)
- F20** Words in s. 48(2)(a) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(3)(a); S.I. 2023/993, reg. 2(n)(xiv)
- F21** Words in s. 48(2)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(3)(b); S.I. 2023/993, reg. 2(n)(xiv)
- F22** Words in s. 48(2)(c) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(3)(c); S.I. 2023/993, reg. 2(n)(xiv)
- F23** S. 48(2)(d) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 41(3)(d); S.I. 2023/993, reg. 2(n)(xiv)
- F24** S. 48(4) repealed (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 33(2), 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)

- C2** S. 48(2) amended by Midland Metro Act 1989 (c. xv), s. 45(10); s. 48(2) extended (27.7.1993) by 1993 c. xv, s. 55(10); s. 48(2) applied (with modifications) (21.7.1994) by 1994 c. xv, s. 58(10)

#### Marginal Citations

- M2** 1980 c. 66.

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#### 49 Approved inspectors.

- (1) In this Act, “approved inspector” means a person who, in accordance with building regulations, is approved for the purposes of this Part of this Act—
  - (a) by the Secretary of State, or
  - (b) by a body (corporate or unincorporated) that, in accordance with the regulations, is designated by the Secretary of State for the purpose.
- (2) Any such approval as is referred to in subsection (1) above may limit the description of work in relation to which the person concerned is an approved inspector.
- (3) Any such designation as is referred to in subsection (1)(b) above may limit the cases in which and the terms on which the body designated may approve a person and, in particular, may provide that any approval given by the body shall be limited as mentioned in subsection (2) above.
- (4) There shall be paid on an application for any such approval as is referred to in subsection (1) above—
  - (a) where the application is made to the Secretary of State, such fee as may be prescribed,
  - (b) where the application is made to a body designated by him as mentioned in that subsection, such fee as that body may determine.
- (5) Building regulations may—
  - (a) contain provision prescribing the period for which, subject to any provision made by virtue of paragraph (b) or (c) below, any such approval as is referred to in subsection (1) above continues in force,
  - (b) contain provision precluding the giving of, or requiring the withdrawal of, any such approval as is referred to in subsection (1) above in such circumstances as may be prescribed,
  - (c) contain provision authorising the withdrawal of any such approval or designation as is referred to in subsection (1) above,
  - (d) provide for the maintenance—
    - (i) by the Secretary of State of a list of bodies that are for the time being designated by him as mentioned in subsection (1) above, and
    - (ii) by the Secretary of State and by each designated body of a list of persons for the time being approved by him or them as mentioned in that subsection,
  - (e) make provision for the supply to local authorities of copies of any list of approved inspectors maintained by virtue of paragraph (d) above and for such copy lists to be made available for inspection, and
  - (f) make provision for the supply, on payment of a prescribed fee, of a certified copy of any entry in a list maintained by virtue of paragraph (d) above or in a copy list held by a local authority by virtue of paragraph (e) above.
- (6) Unless the contrary is proved, in any proceedings (whether civil or criminal) a document that appears to the court to be a certified copy of an entry either in a list maintained as mentioned in subsection (5)(d) above or in a copy of such a list supplied as mentioned in subsection (5)(e) above—
  - (a) is presumed to be a true copy of an entry in the current list so maintained, and
  - (b) is evidence of the matters stated in it.

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- (7) An approved inspector may make such charges in respect of the carrying out of the functions referred to in section 47(1) above as may in any particular case be agreed between him and the person who intends to carry out the work in question or, as the case may be, by whom that work is being or has been carried out.
- (8) Nothing in this Part of this Act prevents an approved inspector from arranging for plans or work to be inspected on his behalf by another person; but such a delegation—
- (a) shall not extend to the giving of a certificate under section 50 or 51 below, and
  - (b) shall not affect any liability, whether civil or criminal, of the approved inspector which arises out of functions conferred on him by this Part of this Act or by building regulations,
- and, without prejudice to the generality of paragraph (b) above, an approved inspector is liable for negligence on the part of a person carrying out an inspection on his behalf in like manner as if it were negligence by a servant of his acting in the course of his employment.

## 50 Plans certificates.

- [<sup>F25</sup>(1) In this Part a “plans certificate” means a certificate by a registered building control approver that the relevant conditions are met in relation to the work specified in the certificate (which must be work in relation to which the approver has given an initial notice).
- (1A) The relevant conditions are that the registered building control approver—
- (a) has inspected—
    - (i) full plans of the work, or
    - (ii) plans of the work that the approver is satisfied are sufficient for the purposes of giving a plans certificate in relation to the work,
  - (b) is satisfied that the plans are not defective,
  - (c) is satisfied that work carried out in accordance with the plans would not contravene any provision of building regulations, and
  - (d) has complied with any prescribed requirements as to consultation or otherwise.
- (1B) Subsection (1C) applies if the person intending to carry out work to which an initial notice relates asks the registered building control approver who gave the initial notice to give a plans certificate in respect of the work.
- (1C) If the relevant conditions are met, the approver must give a plans certificate to the local authority and the person intending to carry out the work.
- (1D) A plans certificate must be in the prescribed form.]
- (2) [<sup>F27</sup>If a registered building control approver refuses to give a plans certificate on being asked to do so, the person intending to carry out the work may appeal to—
- (a) the regulator, in the case of work to be carried out in England;
  - (b) the Welsh Ministers, in the case of work to be carried out in Wales.]

(3)

(4) Building regulations may authorise the giving of an initial notice combined with a [<sup>F28</sup>certificate under subsection (1)] [<sup>F28</sup>plans certificate] above, and may prescribe a

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single form for such a combined notice and certificate; and where such a prescribed form is used—

- (a) a reference in this Part of this Act to an initial notice or to a plans certificate includes a reference to that form, but
- (b) should the form cease to be in force as an initial notice by virtue of section 47(4) above, nothing in that subsection affects the continuing validity of the form as a plans certificate.

(5) A plans certificate—

- (a) may relate either to the whole or to part only of the work [<sup>F29</sup>to which the initial notice concerned relates], and
- (b) does not have effect unless it is accepted by the local authority to whom it is given.

(6) A local authority to whom a plans certificate is given—

- (a) may not reject the certificate except on prescribed grounds, and
- (b) shall reject the certificate if any of the prescribed grounds exists.

(7) Unless, within the prescribed period, the local authority to whom a plans certificate is given give notice of rejection, specifying the ground or grounds in question, to—

- (a) the approved inspector by whom the certificate was given, and
- (b) the other person to whom the approved inspector gave the certificate,

the authority shall be conclusively presumed to have accepted the certificate.

[<sup>F30</sup>(7A) Building regulations may make further provision in connection with plans certificates, including in particular provision—

- (a) requiring a plans certificate to be given to the local authority in prescribed cases;
- (b) about the consequences of failing to comply with such a requirement (for example, for an initial notice to cease to have effect in whole or in part);
- (c) requiring a plans certificate stating that the condition in [subsection \(1A\)\(a\)\(ii\)](#) is met to include prescribed information about the further plans that the registered building control approver considers need to be provided.]

(8) [<sup>F31</sup>If it appears to a local authority by whom a plans certificate has been accepted that the work to which the certificate relates has not been commenced within the period of three years beginning on the date on which the certificate was accepted, the authority may rescind their acceptance of the certificate by notice, specifying the ground or grounds in question, given—

- (a) to the approved inspector by whom the certificate was given, and
- (b) to the person shown in the initial notice concerned as the person intending to carry out the work.]

#### Textual Amendments

- F25** S. 50(1)-(1D) substituted for s. 50(1) (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 49\(2\)\(a\)](#), [170\(4\)\(b\)\(c\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(v\)](#); [S.I. 2023/914](#), [reg. 2\(b\)\(xii\)](#)
- F26** Words in s. 50(1)(a) substituted (14.10.1996) by [S.I. 1996/1905](#), [art. 3\(4\)\(a\)](#)
- F27** S. 50(2) substituted for s. 50(2)(3) (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [s. 170\(4\)\(b\)\(c\)](#), [Sch. 6 para. 8](#); [S.I. 2023/993](#), [reg. 2\(o\)\(i\)](#) (with regs. 6, 8)

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- F28** Words in s. 50(4) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by [Building Safety Act 2022 \(c. 30\), ss. 49\(2\)\(b\), 170\(4\)\(b\)\(c\); S.I. 2023/362, reg. 3\(1\)\(v\); S.I. 2023/914, reg. 2\(b\)\(xii\)](#)
- F29** Words in s. 50(5)(a) substituted (14.10.1996) by [S.I. 1996/1905, art. 3\(4\)\(b\)](#)
- F30** S. 50(7A) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by [Building Safety Act 2022 \(c. 30\), ss. 49\(2\)\(c\), 170\(4\)\(b\)\(c\); S.I. 2023/362, reg. 3\(1\)\(v\); S.I. 2023/914, reg. 2\(b\)\(xii\)](#)
- F31** S. 50(8) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of [Building Safety Act 2022 \(c. 30\), ss. 36\(4\), 170\(4\)\(b\)\(c\); S.I. 2023/362, reg. 3\(1\)\(o\); S.I. 2023/914, reg. 2\(b\)\(iii\); S.I. 2023/993, reg. 2\(g\) \(with regs. 3, 5\)](#)

## 51 Final certificates.

- <sup>F32</sup>[(1) Where an approved inspector is satisfied that any work to which an initial notice given by him relates has been completed, he shall give to the local authority by whom the initial notice was accepted such certificate with respect to the completion of the work and the discharge of his functions as may be prescribed (called a “final certificate”).]
- (2) Section 50(5) to (7) above has effect in relation to a final certificate as if any reference in those subsections to a plans certificate were a reference to a final certificate.
- (3) Where a final certificate—
- (a) has been given with respect to any of the work [<sup>F33</sup>to which an initial notice relates], and
  - (b) has been accepted by the local authority concerned,
- the initial notice ceases to apply to that work, but section 48(1) above continues to apply, by virtue of this subsection, in relation to that work as if the initial notice continued in force in relation to it.

### Textual Amendments

- F32** S. 51(1) substituted (14.10.1996) by [S.I. 1996/1905, art.4](#)
- F33** Words in s. 51(3)(a) substituted (14.10.1996) by [S.I. 1996/1905, art. 3\(5\)](#)

### Modifications etc. (not altering text)

- C3** S. 51(1) restricted (*prosp.*) by [Smoke Detectors Act 1991 \(c. 37, SIF 15\), ss. 5\(3\), 7\(3\)](#).

## [<sup>F34</sup>51A Variation of work to which initial notice relates.

- [ This section applies where—
- <sup>F35</sup>(1) (a) it is proposed that the work to which an initial notice relates should be varied, and
- (b) the work as varied is not higher-risk building work.]
- (2) If—
- (a) a notice in the prescribed form (called an “amendment notice”)—
    - (i) is given to the local authority by whom the initial notice was accepted, and



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- (ii) is jointly given by the approved inspector who gave the initial notice and by the person shown in the amendment notice as the person intending to carry out the relevant work,
    - (b) the amendment notice is accompanied by such plans of the proposed variation as may be prescribed,
    - <sup>F36</sup>(c) .....
    - (d) the amendment notice—
      - (i) is accepted by the local authority giving notice of acceptance within the prescribed period to each of the persons by whom the amendment notice was given, or
      - (ii) is deemed to have been accepted by the local authority by virtue of subsection (5) below,

the work to which the initial notice relates shall be treated as varied as proposed in the amendment notice.
  - (3) A local authority to whom an amendment notice is given—
    - (a) may not reject the notice except on prescribed grounds, and—
    - (b) shall reject the notice if any of the prescribed grounds exists.
  - (4) Where the relevant work is of such a description that, if <sup>F37</sup>plans of it had been deposited with <sup>F37</sup>an application for building control approval in respect of it had been made to] the local authority, the authority could, under any enactment, have imposed requirements as a condition of <sup>F38</sup>passing the plans] <sup>F38</sup>granting the application], the local authority may impose the like requirements as a condition of accepting the amendment notice.
  - (5) Unless, within the prescribed period, the local authority to whom an amendment notice is given give notice of rejection, specifying the ground or grounds in question, to each of the persons by whom the notice was given, the authority is conclusively presumed to have accepted it and to have done so without imposing any such requirements as are referred to in subsection (4) above.
- <sup>F39</sup>(5A) [ Subsection (5) does not apply in prescribed circumstances.]
- (6) Section 47(5) shall apply in relation to the form prescribed for an amendment notice as it applies in relation to the form prescribed for an initial notice.
  - (7) In this section, references to the relevant work are to the work to which the initial notice, as proposed to be varied, relates.]

**Textual Amendments**

- F34** Ss. 51A, 51B, 51C inserted (14.10.1996) by S.I. 1996/1905, **art.2**
- F35** S. 51A(1) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), **ss. 46(2)**, 170(4)(b)(c); S.I. 2023/362, **reg. 3(1)(u)**; S.I. 2023/914, **reg. 2(b)(x)**; S.I. 2023/993, **reg. 2(l)** (with **regs. 4, 8**)
- F36** S. 51A(2)(c) omitted (28.7.2022) by virtue of Building Safety Act 2022 (c. 30), **ss. 48(3)**, 170(4)(b)(c); S.I. 2022/561, **reg. 4**; S.I. 2022/774, **reg. 2**
- F37** Words in s. 51A(4) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 42(2)(a)**; S.I. 2023/993, **reg. 2(n)(xv)**

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- F38** Words in s. 51A(4) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 42(2)(b)**; S.I. 2023/993, reg. 2(n)(xv)
- F39** S. 51A(5A) inserted (6.4.2023 except in relation to W., 5.9.2023 for W. in so far as not already in force) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 42(3)**; S.I. 2023/362, reg. 3(1)(w)(iv); S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 17

## <sup>F40</sup>51B Effect of amendment notice

- (1) For the purposes of the enactments specified in section 48(3) above—
- (a) the giving of an amendment notice accompanied by such plans as are referred to in section 51A(2)(b) above shall be treated as the <sup>F41</sup>deposit of plans][<sup>F41</sup>making of an application for building control approval],
  - (b) the acceptance or rejection of an amendment notice shall be treated as the <sup>F42</sup>passing, or, as the case may be, the rejection of plans][<sup>F42</sup>approval or rejection of the application],
  - (c) where an initial notice is varied by an amendment notice, the <sup>F43</sup>deposited plans][<sup>F43</sup>plans treated as accompanying the application for building control approval] shall be treated—
    - (i) as including the plans accompanying the amendment notice, and
    - (ii) as excluding such of the plans previously treated as <sup>F44</sup>the deposited plans][<sup>F44</sup>accompanying the application] as are superseded by the plans accompanying the amendment notice, and
  - (d) where an initial notice has been varied by an amendment notice<sup>F45</sup>, the cancellation of the initial notice under section 52(5) below shall be treated as a declaration under section 32 above that the deposit of plans constituted by the giving of the amendment notice is of no effect.][<sup>F45</sup>and the initial notice ceases to be in force under section 53A, the application for building control approval (treated by virtue of paragraph (a) as made) is to be treated as if it was not made (and the approval was not given).]

<sup>F46</sup>(2) . . . . .]

### Textual Amendments

- F40** Ss. 51A, 51B, 51C inserted (14.10.1996) by S.I. 1996/1905, **art.2**
- F41** Words in s. 51B(1)(a) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 43(a)**; S.I. 2023/993, reg. 2(n)(xvi)
- F42** Words in s. 51B(1)(b) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 43(b)**; S.I. 2023/993, reg. 2(n)(xvi)
- F43** Words in s. 51B(1)(c) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 43(c)(i)**; S.I. 2023/993, reg. 2(n)(xvi)
- F44** Words in s. 51B(1)(c)(ii) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 43(c)(ii)**; S.I. 2023/993, reg. 2(n)(xvi)
- F45** Words in s. 51B(1)(d) substituted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 43(d)**; S.I. 2023/993, reg. 2(n)(xvi)
- F46** S. 51B(2) repealed (1.10.2006) by Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541), art. 1(3), Sch. 2 para. 33(3), **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**)

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### [<sup>F47</sup>51C Change of person intending to carry out work

- (1) This section applies where it is proposed that the work to which an initial notice relates should be carried out by a different person.
- (2) If—
  - (a) the approved inspector who gave the initial notice, and
  - (b) the person who now proposes to carry out the work to which the initial notice relates,
 jointly give written notice of the proposal to the local authority by whom the initial notice was accepted, the initial notice shall be treated as showing as the person intending to carry out the work to which it relates the person mentioned in the notice under this section.]

#### Textual Amendments

**F47** Ss. 51A, 51B, 51C inserted (14.10.1996) by S.I. 1996/1905, art.2

## 52 Cancellation of initial notice.

- (1) If, at a time when an initial notice is in force—
  - (a) the approved inspector becomes or expects to become unable to carry out (or to continue to carry out) his functions with respect to any of the work [<sup>F48</sup>to which the initial notice relates],
  - (b) the approved inspector is of the opinion that any of the work is being so carried out that he is unable adequately to carry out his functions with respect to it, [<sup>F49</sup>or]
  - (c) the approved inspector is of the opinion that there is a contravention of any provision of building regulations with respect to any of that work and the circumstances are as mentioned in subsection (2) below,
  - [<sup>F50</sup>(d) the registered building control approver is given a disciplinary order under section 58U(2)(b) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver's functions with respect to the work to which the initial notice relates,
  - (e) the registered building control approver is given a disciplinary order under section 58U(2)(c) (suspension of registration) or an order under section 58V (interim suspension for suspected serious contravention), or
  - (f) it appears to the registered building control approver that a prescribed circumstance exists,]
 the [<sup>F51</sup>approved inspector shall][<sup>F51</sup>registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control approver, must] cancel the initial notice by notice in the prescribed form given to the local authority concerned and to the person carrying out or intending to carry out the work.
- (2) The circumstances referred to in subsection (1)(c) above are—
  - (a) that the approved inspector has, in accordance with building regulations, given notice of the contravention to the person carrying out the work [<sup>F52</sup>or intending to carry out the work], and

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- (b) that, within the prescribed period, [<sup>F53</sup>the prescribed steps are not taken by the person who, in accordance with building regulations, is required to take them].
- [<sup>F54</sup>(3) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work to which the notice relates that—
- (a) the registered building control approver is no longer willing or able to carry out the registered building control approver’s functions with respect to any of that work, or
- (b) a prescribed circumstance exists,
- the person must cancel the initial notice by notice in the prescribed form given to the local authority concerned and, if it is practicable to do so, to the registered building control approver.]
- (4) If a person fails without reasonable excuse to give to a local authority a notice that he is required to give by subsection [<sup>F56</sup>(1) or] (3) above, he is liable on summary conviction to a fine [<sup>F57</sup>not exceeding level 5 on the standard scale].
- (5) [<sup>F58</sup>If, at a time when an initial notice is in force, it appears to the local authority by whom the initial notice was accepted that the work to which the initial notice relates has not been commenced within the period of three years beginning on the date on which the initial notice was accepted, the authority may cancel the initial notice by notice in the prescribed form given
- (a) to the approved inspector by whom the initial notice was given, and
- (b) to the person shown in the initial notice as the person intending to carry out the work.]
- [<sup>F59</sup>(5A) If, at a time when an initial notice is in force, it appears to the local authority concerned that a condition in subsection (5B) is satisfied, the authority must cancel the initial notice by notice in the prescribed form given to—
- (a) the person shown in the initial notice as the registered building control approver, and
- (b) the person shown in the initial notice as the person intending to carry out the work.
- (5B) The conditions are—
- (a) the registered building control approver is given a disciplinary order under section 58U(2)(b) (variation of registration) such that the registered building control approver is no longer able to carry out the registered building control approver’s functions with respect to the work to which the initial notice relates;
- (b) the registered building control approver is given a disciplinary order under section 58U(2)(c) (suspension of registration) or an order under section 58V (interim suspension for suspected serious contravention);
- (c) the registered building control approver is given a disciplinary order under section 58U(2)(d) (cancellation of registration);
- (d) the registered building control approver has their registration cancelled under section 58Z6(2) (serious contravention notices);
- (e) a prescribed circumstance exists.]
- (6) A notice under subsection (1), (3)
- or (5) above has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.

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- [<sup>F60</sup>(7) Before cancelling an initial notice under subsection (5A) based on a condition in subsection (5B)(a), (b) or (e), the local authority must—
- (a) give the person shown in the initial notice as the registered building control approver a notice in the prescribed form at least seven days before the day on which the initial notice is to be cancelled, and
  - (b) have regard to any representations made to the local authority during that period.]

#### Textual Amendments

- F48** Words in s. 52(1)(a) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(6)(a)**
- F49** Word in s. 52(1) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by virtue of Building Safety Act 2022 (c. 30), **ss. 50(2)(a)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F50** S. 52(1)(d)-(f) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(2)(b)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F51** Words in s. 52(1) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(2)(c)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F52** Words in s. 52(2)(a) inserted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), **ss. 8(3)(a)**, 11(3); S.I. 2006/224, art. 2(c)
- F53** Words in s. 52(2)(b) substituted (1.2.2006) by Sustainable and Secure Buildings Act 2004 (c. 22), **ss. 8(3)(b)**, 11(3); S.I. 2006/224, art. 2(c)
- F54** S. 52(3) substituted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(3)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F55** Words in s. 52(3) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(6)(b)**
- F56** Words in s. 52(4) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(4)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F57** Words in s. 52(4) omitted (1.10.2023 except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), **Sch. 5 para. 44(2)**; S.I. 2023/993, reg. 2(n)(xviii)
- F58** S. 52(5) omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), **ss. 36(5)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)
- F59** S. 52(5A)(5B) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(5)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F60** S. 52(7) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 50(6)**, 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)

#### [<sup>F61</sup>52A Cancellation of initial notice when work becomes higher-risk building work

- (1) If, at a time when an initial notice is in force, it appears to the registered building control approver that some or all of the work has become higher-risk building work, the registered building control approver must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—
  - (a) the local authority concerned, and

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- (b) the person carrying out or intending to carry out the work.
- (2) If, at a time when an initial notice is in force, it appears to the person carrying out or intending to carry out the work that some or all of the work has become higher-risk building work, the person must, as soon as is reasonably practicable, cancel the relevant part of the initial notice by notice in the prescribed form given to—
  - (a) the local authority concerned, and
  - (b) the registered building control approver.
- (3) Where a person is required to give a notice under subsection (1) or (2) in relation to higher-risk building work in England, the person must, as soon as is reasonably practicable, give a copy of that notice to the regulator.
- (4) If, at a time when an initial notice is in force, it appears to the local authority concerned that some or all of the work has become higher-risk building work, the authority must cancel the relevant part of the initial notice by notice in the prescribed form given to—
  - (a) the registered building control approver, and
  - (b) the person shown in the initial notice as the person intending to carry out the work.
- (5) Where a local authority is required to give a notice under subsection (4) in relation to higher-risk building work in England, the local authority must give a copy of that notice to the regulator.
- (6) A person commits an offence if they fail without reasonable excuse to—
  - (a) give to a local authority a notice that the person is required to give by subsection (1) or (2);
  - (b) give to the regulator a copy of a notice that the person is required to give by subsection (3).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine.
- (8) Where a notice is given under any of subsections (1), (2) and (4) (a “cancellation notice”)—
  - (a) the part of the initial notice to which the cancellation notice relates is cancelled with effect from the day on which the cancellation notice is given, and
  - (b) a new initial notice may not be given in relation to any of the work to which the cancelled part of the initial notice related.
- (9) In this section “the relevant part of the initial notice” means so much of the initial notice as relates to work that has become higher-risk building work.

#### Textual Amendments

**F61** Ss. 52A, 52B inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 46(3), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(u); S.I. 2023/914, reg. 2(b)(x); S.I. 2023/993, reg. 2(l) (with reg. 8)

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## **52B Effect of initial notice ceasing to be in force where work becomes higher-risk building work**

- (1) This section applies where an initial notice ceases to be in force, whether in whole or in part, by virtue of section 47(4)(b)(ia) (higher-risk building work).
- (2) If, before the day on which the relevant part of the initial notice ceased to be in force, a final certificate—
  - (a) was given in respect of part of the work to which the relevant part of the initial notice relates, and
  - (b) was accepted by the local authority,
 the fact that the relevant part of the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) in relation to that part of the work.
- (3) The building control authority in relation to any of the uncertified work is—
  - (a) in England, the regulator, and
  - (b) in Wales, the relevant local authority (within the meaning of section 121A(2)).
- (4) In subsection (3), the “uncertified work” means any of the work—
  - (a) to which the relevant part of the initial notice relates, and
  - (b) in respect of which no final certificate has been accepted by the local authority as mentioned in subsection (2).
- (5) Sections 91(3) (duties of the regulator) and 121A(1) (meaning of “building control authority”) apply as if, in each case, the reference to section 91ZA or 91ZB were a reference to section 52B, 91ZA or 91ZB.
- (6) In any case where this section applies, the reference in subsection (4) of section 36 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 relevant part of the initial notice ceased to be in force.
- (7) In this section “the relevant part of the initial notice” means so much of the initial notice as was cancelled by a notice under section 52A (cancellation of initial notice when work becomes higher-risk building work).]

### **Textual Amendments**

**F61** Ss. 52A, 52B inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 46(3), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(u); S.I. 2023/914, reg. 2(b)(x); S.I. 2023/993, reg. 2(l) (with reg. 8)

## **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, [<sup>F62</sup>and]
  - (b) that certificate was accepted by the local authority (before, on or after that day), [<sup>F63</sup>and

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- (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 [<sup>F64</sup>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 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.
- [<sup>F65</sup>(4A) For the purpose of enabling the local authority to perform the functions referred to in section 48(1), the local authority may by notice require the person shown in the initial notice as the registered building control approver to give the local authority—
- (a) any information the authority would have obtained if the authority had performed the function of enforcing building regulations in relation to the work to which the initial notice relates during the period in which the initial notice was in force, and
  - (b) any other information the local authority may reasonably require.
- (4B) Where a person is required to give information under subsection (4A), the information must be given before the end of the prescribed period.
- (4C) The person shown in the initial notice as the registered building control approver (the “outgoing approver”) must, before the end of the prescribed period, give the person carrying out or intending to carry out the work to which the initial notice relates—
- (a) any information given to a local authority under subsection (4A),
  - (b) any other information that the outgoing approver obtained or created in relation to the work during the period in which the initial notice was in force, and
  - (c) any other information that the person carrying out or intending to carry out the work may by notice reasonably require for the purpose of enabling a person other than the outgoing approver to perform the functions referred to in section 48(1) in relation to the work.
- (4D) A notice under subsection (4C)(c)—
- (a) may only require information to be given in relation to work carried out during the period in which the initial notice was in force;
  - (b) may require information to be provided in a specified format.]

(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



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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) <sup>[F66]</sup>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 <sup>[F67]</sup>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.]

<sup>[F68]</sup>(6A) <sup>[F69]</sup>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.]]

<sup>[F70]</sup>(7) A new initial notice relating to any of the work to which the original initial notice related (the “original work”) may be given only if—

- (a) in the case of an initial notice that ceases to be in force by virtue of—
  - (i) being cancelled under section 52(1)(d) or (e),
  - (ii) being cancelled under section 52(5A) based on a condition in section 52(5B)(a) to (d), or
  - (iii) such other provision as may be prescribed,
 the conditions in subsection (8) are met, or
- (b) in any other case, the conditions in subsection (9) are met.

(8) The conditions referred to in subsection (7)(a) are that the new initial notice—

- (a) is given before the end of the period of seven days beginning with the day on which the original initial notice ceased to be in force or such other period as may be prescribed,
- (b) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority, and
- (c) is not a combined initial notice and plans certificate given in accordance with section 50(4).

(9) The conditions referred to in subsection (7)(b) are that—

- (a) before the original initial notice ceases to be in force, the original registered building control approver has given a final certificate under section 51 in respect of any part of the work which they are satisfied has been completed, and
- (b) the new initial notice relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority.

(10) Where—

- (a) a plans certificate has been given in respect of any of the original work,
  - (b) the conditions in paragraphs (a) and (b) of subsection (2) are fulfilled with respect to that certificate, and
  - (c) a new initial notice as referred to in subsection (7) is accepted,
- section 50(1C) 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.

(11) Section 53B applies in relation to a new initial notice given in accordance with subsection (7)(a).

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- (12) The appropriate national authority may issue guidance about the process for—
- (a) the giving of a new initial notice under subsection (7);
  - (b) the giving of a transfer certificate and a transfer report under section 53B;
  - (c) the consideration of a transfer certificate and a transfer report under section 53C.
- (13) The appropriate national authority may revise or withdraw any issued guidance.
- (14) The following must have regard to guidance issued under subsection (12)—
- (a) a local authority;
  - (b) a registered building control approver;
  - (c) a person carrying out or intending to carry out work to which a new initial notice given under subsection (7) relates.]

#### Textual Amendments

- F62** Word in s. 53(2)(a) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by Building Safety Act 2022 (c. 30), ss. 36(6)(a), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)
- F63** S. 53(2)(c) and word omitted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), ss. 36(6)(b), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(o); S.I. 2023/914, reg. 2(b)(iii); S.I. 2023/993, reg. 2(g) (with regs. 3, 5)
- F64** Words in s. 53(3)(a) substituted (14.10.1996) by S.I. 1996/1905, art. 3(7)(a)
- F65** S. 53(4A)-(4D) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 52(1), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F66** S. 53(6) omitted (1.10.2023 except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 45; S.I. 2023/993, reg. 2(n)(xix)
- F67** Words in s. 53(6) substituted (14.10.1996) by S.I. 1996/1905, art. 3(7)(b)
- F68** S. 53(6A) inserted (21.8.2006) by Climate Change and Sustainable Energy Act 2006 (c. 19), ss. 13(2), 28(1)
- F69** S. 53(6A) omitted (1.10.2023 except in relation to W.) by virtue of Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 45; S.I. 2023/993, reg. 2(n)(xix)
- F70** S. 53(7)-(14) substituted for s. 53(7) (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 51(1), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)
- F71** Words in s. 53(7) words substituted (14.10.1996) by S.I. 1996/1905, art. 3(7)(c)

#### [<sup>F72</sup>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

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- (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).
- (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.]

#### Textual Amendments

**F72** [S. 53A](#) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes, 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 36\(7\)](#), [170\(4\)\(b\)\(c\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(o\)](#); [S.I. 2023/914](#), [reg. 2\(b\)\(iii\)](#); [S.I. 2023/993](#), [reg. 2\(g\)](#) (with [regs. 3, 5](#))

#### [<sup>F73</sup>**53B** New initial notice: change of registered building control approver

- (1) This section applies where a new initial notice is given in accordance with [section 53\(7\)\(a\)](#) (change of registered building control approver in certain cases).
- (2) Where the new initial notice is accepted by the local authority the registered building control approver must take all reasonable steps to determine whether the unfinished work contravenes any provision of building regulations (including where necessary by carrying out inspections and laying open any work).
- (3) If the registered building control approver determines that the unfinished work does not contravene any provision of building regulations, the approver must give a transfer certificate and a transfer report to the local authority before the end of the relevant period.
- (4) If the registered building control approver is unable to make the determination referred to in [subsection \(3\)](#), the approver must—
  - (a) give the person carrying out or intending to carry out the work a notice setting out why they were unable to make the determination, and
  - (b) give a copy of that notice to the local authority.
- (5) A transfer certificate must—
  - (a) confirm that the registered building control approver has determined that the unfinished work up to the date of the certificate does not contravene any provision of building regulations, and

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- (b) contain the prescribed information.
- (6) A transfer report must contain any plans, documents or other information related to the confirmation in subsection (5)(a).
- (7) In this section the “relevant period” means—
  - (a) the period of 21 days beginning with the day on which the new initial notice is accepted or such other period as may be prescribed, or
  - (b) such longer period as may be agreed by the local authority following a request from the registered building control approver.
- (8) A transfer certificate given by a registered building control approver—
  - (a) does not impose any liability, whether civil or criminal, on the registered building control approver for any work carried out by the previous registered building control approver, and
  - (b) does not affect any liability, whether civil or criminal, of the previous registered building control approver for work carried out by that approver.
- (9) In this section “unfinished work” means all of the work to which the original initial notice related, except for any work in respect of which a final certificate was accepted by the local authority.

#### Textual Amendments

**F73** Ss. 53B-53E inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 51(2), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)

### 53C Consideration of transfer certificate and report

- (1) This section applies where a registered building control approver gives a transfer certificate and a transfer report to a local authority in accordance with section 53B(3).
- (2) The local authority must, by notice, accept or reject the certificate and report before the end of the relevant period.
- (3) The local authority may reject the certificate and report only if—
  - (a) any of the prescribed grounds exist, or
  - (b) the registered building control approver fails to comply with a requirement in subsection (4) to give information to the local authority.
- (4) During the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, the local authority may, by notice, require the registered building control approver to give to the local authority such information as may be specified in the notice.
- (5) The registered building control approver must give the information specified in the notice to the local authority before the end of the period of seven days beginning with the day on which the notice is given or such other period as may be prescribed.
- (6) In this section the “relevant period” means—

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- (a) the period of 21 days beginning with the day on which the transfer certificate and transfer report is given to the local authority or such other period as may be prescribed, or
  - (b) such longer period as is determined in accordance with subsection (7).
- (7) Where—
- (a) a local authority requires a registered building control approver to give information to the local authority under subsection (4), and
  - (b) the day by which the information is required to be given would (but for this subsection) fall within the final seven days of the relevant period or would fall outside the relevant period,
- the relevant period is to be extended to the end of the period of seven days beginning with the day after the day by which the information is required to be given.
- (8) Where a local authority requires a registered building control approver to give information to the local authority under subsection (4), the local authority must give a copy of the notice to the person shown in the initial notice as the person intending to carry out the work.

#### Textual Amendments

**F73** Ss. 53B-53E inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by Building Safety Act 2022 (c. 30), ss. 51(2), 170(4)(b)(c); S.I. 2023/362, reg. 3(1)(v); S.I. 2023/914, reg. 2(b)(xii)

### 53D Cancellation of initial notice: change of registered building control approver

- (1) This section applies where—
- (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) If, at a time when the initial notice is in force—
- (a) the registered building control approver does not give the local authority a transfer certificate and transfer report in accordance with section 53B(3), or
  - (b) the local authority rejects the transfer certificate and transfer report in accordance with section 53C,
- the local authority must cancel the initial notice by notice in the prescribed form given to the registered building control approver and the person shown in the initial notice as the person intending to carry out the work.
- (3) The person carrying out or intending to carry out the work to which the initial notice relates may, at a time—
- (a) when the initial notice is in force, and
  - (b) before the local authority accepts or rejects the transfer certificate and report in accordance with section 53C,
- cancel the initial notice by notice in the prescribed form given to the local authority and, if it is practicable to do so, to the registered building control approver.
- (4) A notice under subsection (2) or (3) has the effect of cancelling the initial notice to which it relates with effect from the day on which the notice is given.

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- (5) Where an initial notice ceases to be in force by virtue of subsection (2) or (3), a new initial notice may not, except in prescribed circumstances, be given in relation to any of the work to which the cancelled notice related.
- (6) Where an initial notice ceases to be in force by virtue of subsection (2) or (3)—
- (a) for the purpose of enabling the local authority to perform the functions referred to in section 48(1) in relation to any part of the work, building regulations may require the local authority to be provided with plans that relate to that part of the work, and
  - (b) section 53(5) applies in relation to the notice as it applies in relation to an initial notice that ceases to be in force as referred to in section 53(1).
- (7) This section is without prejudice to any other provisions of this Part relating to when an initial notice ceases to be in force.

#### Textual Amendments

**F73** Ss. 53B-53E inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 51\(2\), 170\(4\)\(b\)\(c\)](#); [S.I. 2023/362, reg. 3\(1\)\(v\)](#); [S.I. 2023/914, reg. 2\(b\)\(xii\)](#)

### 53E Restriction on functions of registered building control approvers

- (1) This section applies where—
- (a) a new initial notice is given in accordance with section 53(7)(a) (change of registered building control approver in certain cases), and
  - (b) the notice is accepted by the local authority.
- (2) During the period in respect of which—
- (a) the notice is in force, but
  - (b) a transfer certificate and a transfer report have not been accepted by the local authority,
- the registered building control approver may not exercise the relevant functions.
- (3) In this section the “relevant functions” are the functions of a registered building control approver under, or under regulations made under—
- (a) section 50 (plans certificates);
  - (b) section 51 (final certificates);
  - (c) section 51A (amendment notices).]

#### Textual Amendments

**F73** Ss. 53B-53E inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 for W. for specified purposes) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 51\(2\), 170\(4\)\(b\)\(c\)](#); [S.I. 2023/362, reg. 3\(1\)\(v\)](#); [S.I. 2023/914, reg. 2\(b\)\(xii\)](#)

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**Changes and effects yet to be applied to :**

- [s. 47](#) cross-heading words substituted by [2022 c. 30 Sch. 4 para. 3](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 1\(1A\)\(d\)](#) inserted by [2015 c. 7 s. 37\(2\)](#)
- [s. 44\(11\)](#) inserted by [2004 c. 22 s. 3\(8\)](#)
- [s. 79A](#) inserted by [2023 asc 3 Sch. 13 para. 65](#)
- [s. 91B](#) inserted by [2022 c. 30 Sch. 5 para. 56](#)
- [s. 95\(5\)](#) inserted by [2022 c. 30 s. 60\(2\)](#)
- [s. 105C](#) inserted by [2022 c. 30 s. 58](#)
- [s. 116\(3\)-\(6\)](#) inserted by [2022 c. 30 s. 45\(2\)\(d\)](#)
- [s. 117\(A1\)\(A2\)](#) inserted by [2022 c. 30 s. 45\(3\)\(b\)](#)
- [s. 118\(1A\)](#) inserted by [2022 c. 30 s. 45\(4\)\(b\)](#)
- [s. 131A](#) inserted by [2022 c. 30 s. 59](#)
- [s. 131B](#) inserted by [2022 c. 30 s. 60\(3\)](#)
- [Sch. 1 para. 7A](#) inserted by [2015 c. 7 s. 37\(4\)](#)