



Health and Safety at Work etc. Act 1974

1974 CHAPTER 37

PART III

BUILDING REGULATIONS, AND AMENDMENT OF BUILDING (SCOTLAND) ACT 1959

61 Amendments of enactments relating to building regulations

- (1) For sections 61 and 62 of the 1936 Act (power to make building regulations, and their application to existing buildings) there shall be substituted the following sections—

“61 Power to make building regulations

- (1) Subject to the provisions of Part II of the Public Health Act 1961, the Secretary of State shall have power, for any of the purposes mentioned in subsection (2) below, to make regulations with respect to the design and construction of buildings and the provision of services, fittings and equipment in or in connection with buildings. Regulations under this subsection shall be known as building regulations.
- (2) The purposes referred to in the preceding subsection are the following, that is to say—
- (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings;
 - (b) furthering the conservation of fuel and power; and
 - (c) preventing waste, undue consumption, misuse or contamination of water.
- (3) Building regulations may—
- (a) provide for particular requirements of the regulations to be deemed to be complied with where prescribed methods of construction, prescribed types of materials or other prescribed means are used in or in connection with buildings;

Status: This is the original version (as it was originally enacted).

- (b) be framed to any extent by reference to a document published by or on behalf of the Secretary of State or any other person or any body, or by reference to the approval or satisfaction of any prescribed person or body.
- (4) Building regulations may include provision as to—
 - (a) the giving of notices ;
 - (b) the deposit of plans of proposed work or work already executed (including provision as to the number of copies to be deposited);
 - (c) the retention by local authorities of copies of plans deposited with them in accordance with the regulations;
 - (d) the inspection and testing of work;
 - (e) the taking of samples.
- (5) Building regulations may exempt from all or any of the provisions of building regulations any prescribed class of buildings, services, fittings or equipment.
- (6) The Secretary of State may by direction exempt from all or any of the provisions of building regulations any particular building or, as regards any particular location, buildings of any particular class thereat, and may in either case do so either unconditionally or subject to compliance with any conditions specified in the direction.
- (7) A person who contravenes any condition specified in a direction given under the preceding subsection or permits any such condition to be contravened shall be liable to a fine not exceeding £400 and to a further fine not exceeding £50 for each day on which the offence continues after he is convicted.
- (8) For the purposes of building regulations and of any direction given or instrument made with reference to building regulations, buildings may be classified by reference to size, description, design, purpose, location or any other characteristic whatsoever.

62 Application of building regulations to existing buildings etc.

- (1) Building regulations may be made with respect to—
 - (a) alterations and extensions of buildings and of services, fittings and equipment in or in connection with buildings;
 - (b) new services, fittings, or equipment provided in or in connection with buildings;
 - (c) buildings and services, fittings and equipment in or in connection with buildings, so far as affected by—
 - (i) alterations or extensions of buildings ; or
 - (ii) new, altered or extended services, fittings or equipment in or in connection with buildings;
 - (d) the whole of any building, together with any services, fittings or equipment provided in or in connection therewith, in respect of which there are or are proposed to be carried out any operations which by virtue of section 74(1)(c) of the Health and Safety at Work etc. Act 1974 constitute the construction of a building for the purposes of this section ;

- (e) buildings or parts of buildings, together with any services, fittings or equipment provided in or in connection therewith, in cases where the purposes for which or the manner or circumstances in which a building or part of a building is used change or changes in a way that constitutes a material change of use of the building or part within the meaning of the expression 'material change of use' as defined for the purposes of this paragraph by building regulations.
- (2) So far as they relate to matters mentioned in the preceding subsection, building regulations may be made to apply to or in connection with buildings erected before the date on which the regulations came into force but, except as aforesaid (and subject to section 65(2) of the Health and Safety at Work etc. Act 1974) shall not apply to buildings erected before that date.”.
- (2) Without prejudice to the generality of subsection (1) of section 61 of the 1936 Act as substituted by this section, building regulations may for any of the purposes mentioned in subsection (2) of that section make provision with respect to any of the matters mentioned in Schedule 5, may require things to be provided or done in or in connection with buildings (as well as regulating the provision or doing of things in or in connection with buildings), and may prescribe the manner in which work is to be carried out.
- (3) The enactments relating to building regulations shall have effect subject to the further amendments provided for in Part I of Schedule 6.
- (4) Section 65 of the 1936 Act and sections 4, 6 and 7 of the 1961 Act, as they will have effect after the coming into force of the preceding subsection, are set out in Part II of the said Schedule 6.
- (5) Section 71 of the 1936 Act (exemption of certain buildings from building regulations) shall cease to have effect.
- (6) Any regulations under section 4 of the 1961 Act which are in force immediately before the repeal of subsection (1) of that section by this Act shall not be invalidated by that repeal, but shall have effect as if made under section 61(1) of the 1936 Act as substituted by this section.