



Housing and Building Control Act 1984

1984 CHAPTER 29

PART III

MISCELLANEOUS AMENDMENTS RELATING TO BUILDING WORK

Miscellaneous

58 Charges by local authorities for performing functions relating to building regulations.

Building regulations may authorise local authorities, subject to and in accordance with the regulations, to fix by means of schemes and to recover such charges for or in connection with the performance of functions of theirs relating to building regulations as they may determine in accordance with principles prescribed by the regulations.

59 Amendments of enactments relating to building regulations.

- (1) In section 9(3) of the 1961 Act (consultation with Building Regulations Advisory Committee and other bodies before making building regulations) after the word “regulations”, in the first place where it occurs, there shall be inserted the words “containing substantive requirements as defined in section 76(3) of the Health and Safety at Work etc. Act 1974”.
- (2) The following provisions of the 1974 Act, namely—
 - (a) subsection (5) of section 61 (which provides for the repeal of section 71 of the 1936 Act but has not been brought into force); and
 - (b) subsections (6) and (7) of section 63 (which make provision consequential on that repeal),shall cease to have effect.
- (3) In Schedule 6 to the 1974 Act (amendments of enactments relating to building regulations) paragraphs 1, 2, 5(a), 5(d), 6 and 7 (most of which are not yet in operation

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and none of which is yet fully in operation) shall be deemed not to have been enacted, and accordingly (and having regard to section 53(1) above)—

- (a) subsection (4) of section 64 of the 1936 Act and section 6 of the 1961 Act shall have effect as set out in Schedule 10 to this Act, and
- (b) section 65 of the 1936 Act and sections 7 and 8 of the 1961 Act shall continue to have effect (for all purposes) without regard to any provision of the said Schedule 6.

60 Amendments of enactments relating to sanitation and buildings.

- (1) Part XII of the 1936 Act (enforcement and other general provisions) shall have effect as if so much of Part II of the 1961 Act (sanitation and buildings) as does not relate to building regulations were contained in Part II of the 1936 Act.
- (2) In the following provisions, namely—
 - (a) so much of Part II of the 1936 Act (sanitation and buildings) as does not relate to building regulations;
 - (b) sections 137 and 138 of that Act (certain buildings to be supplied with water); and
 - (c) so much of Part II of the 1961 Act as does not relate to building regulations, expressions which are defined by subsection (1) of section 82 of the 1974 Act shall have the meanings given by that subsection.

61 Repeal of the Building Control Act 1966.

- (1) The Building Control Act 1966 (which regulates building and constructional work) shall cease to have effect.
- (2) In consequence of subsection (1) above, the enactments mentioned in Part I of Schedule 12 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

62 Interpretation of Part III.

- (1) In this Part of this Act—
 - “the 1936 Act” means the Public Health Act 1936;
 - “the 1961 Act” means the Public Health Act 1961;
 - “the 1974 Act” means the Health and Safety at Work etc, Act 1974;
 - “contravention”, in relation to any provision of building regulations, includes a failure to comply with that provision;
 - “local authority” has the meaning assigned to it by subsection (2)(a) of section 76 of the 1974 Act.
- (2) Any reference in this Part of this Act to the carrying out of work includes a reference to the making of a material change of use, as defined by and for the purposes of building regulations.