



Building Act 1984

1984 CHAPTER 55

PART IV

GENERAL

Duties of local authorities [^{F1} etc]

Textual Amendments

- F1** Word in s. 91 cross-heading inserted (1.10.2023 except in relation to W.) by Building Safety Act 2022 (c. 30), s. 170(4)(b)(c), Sch. 5 para. 54; S.I. 2023/993, reg. 2(n)(xxii)

91 Duties of local authorities [^{F2} and the regulator].

- (1) It is the duty of local authorities to carry this Act into execution in their areas, subject to—
- [^{F3}(za) subsection (3) of this section and regulations under section 91ZD,]
- (a) the provisions of this Act relating to certain other authorities or persons,
 - (b) the provisions of Part I of the ^{M1}Public Health Act 1936 relating to united districts and joint boards,
 - (c) section 151 of the ^{M2}Local Government, Planning and Land Act 1980 (urban development areas), and
 - (d) section 1(3) of the ^{M3}Public Health (Control of Disease) Act 1984 (port health authorities).
- (2) It is the function of local authorities to enforce building regulations in their areas, subject to [^{F4}sections 5(3), 48(1) and 53(2) above . . . ^{F5}.][^{F4}—
- (a) subsection (3) of this section,
 - (b) sections 5(3), 48(1) and 53(2), and
 - (c) regulations under section 91ZD.]

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- [^{F6}(3) In cases where section [91ZA](#) or [91ZB](#) provides that the regulator is the building control authority, it is the duty of the regulator (and not the local authority in question)—
- (a) to carry Part 1 of this Act into execution, and
 - (b) to enforce building regulations.]

Textual Amendments

- F2** Words in [s. 91 heading](#) inserted (6.4.2023 for specified purposes except in relation to W., 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 32\(2\)\(d\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))
- F3** [S. 91\(1\)\(za\)](#) inserted (6.4.2023 for specified purposes except in relation to W., 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 32\(2\)\(a\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))
- F4** Words in [s. 91\(2\)](#) substituted (6.4.2023 for specified purposes except in relation to W., 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 32\(2\)\(b\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)
- F6** [S. 91\(3\)](#) inserted (6.4.2023 for specified purposes except in relation to W., 1.10.2023 in so far as not already in force except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), [ss. 32\(2\)\(c\)](#), [170\(4\)\(b\)\(c\)](#); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))

Marginal Citations

- M1** 1936 c. 49.
M2 1980 c. 65.
M3 1984 c. 22.

[^{F7}[91ZA](#) The regulator: building control authority for higher-risk buildings in England

- (1) The regulator is the building control authority in relation to any higher-risk building in England or any proposed such building.
- (2) This includes the regulator being the building control authority as regards—
 - (a) any work relating to a building in England that is not a higher-risk building that causes it to become such a building, and
 - (b) any work relating to a higher-risk building in England that causes it to cease to be such a building.
- (3) In this Act “higher-risk building work”, in relation to England, means any work for which the regulator is the building control authority by virtue of this section.
- (4) For the meaning of “higher-risk building” see [section 120D](#).

Textual Amendments

- F7** [Ss. 91ZA-91ZD](#) inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 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. 32\(3\)](#), [170\(4\)](#); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/914, [reg. 2\(a\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))

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91ZB The regulator: building control authority for other work

- (1) This section applies in relation to work of a prescribed description (“the work”) that is to be carried out in England and has a prescribed connection with any higher-risk building work.
- (2) Where—
 - (a) the regulator and the person intending to carry out the work, acting jointly, give a notice under this section (a “regulator’s notice”) to the local authority for the area in which the work is to be carried out, and
 - (b) the regulator’s notice is accepted (or treated as accepted) by the local authority, the regulator is the building control authority in relation to the work.
- (3) A regulator’s notice may not be given if any of the following has been given to the local authority in relation to the work (or any part of it)—
 - (a) an application for building control approval;
 - (b) an initial notice (within the meaning of section 47);
 - (c) a public body’s notice (within the meaning of section 54).

Textual Amendments

- F7** Ss. 91ZA-91ZD inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 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. 32\(3\)](#), [170\(4\)](#); [S.I. 2023/362](#), [reg. 3\(1\)\(m\)](#); [S.I. 2023/914](#), [reg. 2\(a\)](#); [S.I. 2023/993](#), [reg. 2\(f\)](#) (with [reg. 4](#))

91ZC Section 91ZB: supplementary

- (1) This section supplements section [91ZB](#).
- (2) A local authority to whom a regulator’s notice is given must reject the notice if any prescribed ground exists, and must otherwise accept the notice.
- (3) A notice of rejection must be given within the prescribed period, and must specify the ground or grounds in question.
- (4) The person intending to carry out the work may appeal to the tribunal against a decision of the local authority to reject the regulator’s notice.
- (5) Where a local authority to whom a regulator’s notice is given does not—
 - (a) give a notice of rejection in accordance with [subsection \(3\)](#), or
 - (b) give a notice of acceptance within the period mentioned in that subsection, the authority is treated as having accepted the regulator’s notice at the end of that period.
- (6) As regards any notice under section [91ZB](#) or this section, building regulations may make provision about—
 - (a) the form and content of the notice;
 - (b) the information and documents that must accompany it;
 - (c) the way in which the notice, and anything that is to accompany it, is to be given.

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Textual Amendments

F7 Ss. 91ZA-91ZD inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 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. 32\(3\)](#), 170(4); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/914, [reg. 2\(a\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))

91ZD Higher-risk buildings in Wales: local authority work

- (1) Building regulations may make provision about cases where a local authority for an area in Wales (“the relevant local authority”) proposes to carry out higher-risk building work in that area.
- (2) The regulations may in particular—
 - (a) restrict (or prevent) the exercise by the relevant local authority of prescribed functions in relation to the higher-risk building work;
 - (b) require the relevant local authority to notify the Welsh Ministers of prescribed matters;
 - (c) confer on the Welsh Ministers a power to designate another local authority as the building control authority in relation to the higher-risk building work (instead of the relevant local authority);
 - (d) confer on the Welsh Ministers a power to require the relevant local authority to provide specified information, for the purposes of deciding whether to exercise the power of designation.
- (3) The regulations may also provide, in cases where a local authority is designated as the building control authority in relation to the higher-risk building work, that the relevant local authority and the designated local authority may agree that the designated local authority is to be the building control authority in relation to any work of a prescribed description that has a prescribed connection with the higher-risk building work.
- (4) Where, as a result of regulations made by virtue of [subsection \(2\)\(c\)](#) or [\(3\)](#), a designated local authority is the building control authority in relation to any work, as regards that work—
 - (a) prescribed functions are functions of the designated local authority (rather than the relevant local authority);
 - (b) the designated local authority (rather than the relevant local authority) must perform such functions relating to enforcement as may be prescribed.]

Textual Amendments

F7 Ss. 91ZA-91ZD inserted (6.4.2023 for specified purposes except in relation to W., 5.9.2023 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. 32\(3\)](#), 170(4); S.I. 2023/362, [reg. 3\(1\)\(m\)](#); S.I. 2023/914, [reg. 2\(a\)](#); S.I. 2023/993, [reg. 2\(f\)](#) (with [reg. 4](#))

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[^{F8}91A Registers to be kept by local authorities [^{F9}and the regulator]

- (1) A [^{F10}local authority][^{F10}relevant authority] shall keep in a register such information and documents as may be prescribed in connection with their functions, powers and duties conferred or imposed by or under this Act.
- (2) The information and documents that may be prescribed for the purposes of subsection (1) above include, in particular—
- documents that are given or issued to [^{F11}, or deposited with,] a [^{F12}local authority][^{F12}relevant authority] in accordance with provision made by or under this Act, or copies of such documents;
 - copies of documents that are given, made or issued by a [^{F12}local authority][^{F12}relevant authority] in accordance with provision so made;
 - information with respect to documents of the kind mentioned in paragraph (a) or (b);
 - information with respect to matters to which such documents relate.
- (3) Information and documents that are required to be kept in a register under subsection (1) above shall be so kept for the prescribed period.
- (4) A [^{F13}local authority][^{F13}relevant authority]—
- shall maintain the register required under subsection (1) above in the prescribed manner;
 - shall ensure that the register is available for inspection by members of the public during prescribed periods;
 - shall, in prescribed circumstances, provide to members of the public, on request, copies of information and documents kept in the register;
 - may, in prescribed circumstances, charge a member of the public to whom they provide such copies a fee calculated in the prescribed manner.
- (5) In this section—
- “documents” includes notices, certificates, orders, consents, demands and plans;
- “prescribed” means prescribed by regulations made by the [^{F14}appropriate national authority] under this section.
- [^{F15}“relevant authority” means a local authority or the regulator.]

^{F16}(6)

^{F16}(7)

^{F16}(8)]

Textual Amendments

- F8** S. 91A inserted (1.2.2006 for specified purposes) by [Sustainable and Secure Buildings Act 2004](#) (c. 22), [ss. 7, 11\(3\)](#); S.I. 2006/224, [art. 2\(b\)](#)
- F9** Words in s. 91A heading inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), [s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 55\(5\)](#); S.I. 2023/993, [reg. 2\(n\)\(xxiii\)](#) (with [reg. 4](#))
- F10** Words in s. 91A(1) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022](#) (c. 30), [s. 170\(4\)\(b\)\(c\)](#), [Sch. 5 para. 55\(2\)](#); S.I. 2023/993, [reg. 2\(n\)\(xxiii\)](#) (with [reg. 4](#))
- F11** Words in s. 91A(2)(a) 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. 55\(3\)](#); S.I. 2023/993, [reg. 2\(n\)\(xxiii\)](#)

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- F12** Words in s. 91A(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. 55\(2\)](#); S.I. 2023/993, reg. 2(n)(xxiii) (with reg. 4)
- F13** Words in s. 91A(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. 55\(2\)](#); S.I. 2023/993, reg. 2(n)(xxiii) (with reg. 4)
- F14** Words in s. 91A(5) substituted (28.6.2022 for E., 5.9.2023 for W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 55\(4\)\(a\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 30; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 22
- F15** Words in s. 91A(5) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 55\(4\)\(b\)](#); S.I. 2023/993, reg. 2(n)(xxiii) (with reg. 4)
- F16** S. 91A(6)-(8) omitted (28.6.2022 for E., 5.9.2023 for W.) by virtue of [Building Safety Act 2022 \(c. 30\)](#), s. 170(4)(b)(c), [Sch. 5 para. 55\(6\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 30; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 22

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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\(4\)](#)