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Building Act 1984

1984 CHAPTER 55

PART I

BUILDING REGULATIONS

[^{F1} Passing of plans][^{F1} Building control approval]

PROSPECTIVE

20 Use of materials unsuitable for permanent building.

(1) [^{F1}Where plans of any proposed work are, in accordance with building regulations, deposited with a local authority, and the plans show][^{F1}Where an application for building control approval in respect of any proposed work is made to a building control authority, and it appears] that the proposed work would include or consist of work to which this section applies, the authority may, notwithstanding that the [^{F2}plans conform][^{F2}application conforms] with the regulations—

- (a) reject [^{F3}the plans][^{F3}the application], or
- (b) in [^{F4}passing the plans][^{F4}granting the application] —

- (i) fix a period on the expiration of which the work to which this section applies or the relevant building (as the authority may in [^{F4}passing the plans][^{F4}granting the application] direct) must be removed, and
- (ii) if they think fit, impose with respect to the use of the relevant building or with respect to the work to which this section applies such reasonable conditions, if any, as they consider appropriate,

but no condition as to the use of the relevant building shall be imposed that conflicts with any condition imposed or having effect as if imposed under [^{F5}Part III or Part VIII of the Town and Country Planning Act 1990 or under the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990].

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(2) If, in the case of any work in respect of which [^{F6}plans ought by virtue of building regulations to have been deposited with a local authority but have not been so deposited][^{F6}an application for building control approval ought to have been made but was not made], the work appears to the authority to include or consist of work to which this section applies, the authority, without prejudice to their right to take proceedings in respect of any contravention of the regulations, may—

- (a) fix a period on the expiration of which the work to which this section applies or the relevant building (as the authority may in fixing the period direct) must be removed, and
- (b) if they think fit, impose any conditions that might have been imposed under subsection (1) above in [^{F7}passing plans][^{F7}granting the application] for the first-mentioned work,

and where they fix such a period they shall forthwith give notice thereof, and of any conditions imposed, to the owner of the relevant building.

(3) If, in the case of any work appearing to the [^{F8}local authority][^{F8}building control authority] to fall within subsection (9)(b) below, [^{F9}plans of the work were not required by building regulations to be deposited with the authority, and were not so deposited][^{F9}an application for building control approval was not required by building regulations to be made and was not made], the authority may at any time within 12 months from the date of completion of the work—

- (a) fix a period on the expiration of which the work must be removed, and
- (b) if they think fit, impose any conditions that, [^{F10}if plans of the work had been required to be, and had been, so deposited, might have been imposed under subsection (1) above in passing the plans,][^{F10}if an application for building control approval in respect of the work had been required to be made and had been made, might have been imposed under subsection (1) in granting the application,]

and where they fix such a period they shall forthwith give notice thereof, and of any conditions imposed, to the owner of the relevant building.

(4) A [^{F8}local authority][^{F8}building control authority] may from time to time extend any period fixed, or vary any conditions imposed, under this section, but, unless an application in that behalf is made to them by the owner of the relevant building, they shall not exercise their power of varying conditions so imposed except when granting an extension or further extension of the period fixed with respect to the work or building, as the case may be.

(5) A person aggrieved by the action of a [^{F8}local authority][^{F8}building control authority] under this section—

- (a) in rejecting [^{F11}plans][^{F11}an application],
- (b) in fixing or refusing to extend any period, or
- (c) in imposing or refusing to vary any conditions,

may appeal [^{F12}to the Secretary of State within the prescribed time and in the prescribed manner].

[^{F13}(5A) The appeal is to be made to—

- (a) the regulator, in the case of action by a local authority for an area in England;
- (b) the tribunal, in the case of action by the regulator;
- (c) the Welsh Ministers, in the case of action by a local authority for an area in Wales.]

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- (6) Where a period has been fixed under this section with respect to any work to which this section applies or with respect to the relevant building—
- (a) the owner of that building shall on the expiration of that period, or, as the case may be, of that period as extended, remove the work or building with respect to which the period was fixed, and
 - (b) if he fails to do so, the ^{F8}local authority^{F8} ^{F8}building control authority^{F8} may remove that work or building, as the case may be, and may recover from him the expenses reasonably incurred by them in doing so.
- (7) A person who—
- (a) contravenes a condition imposed under this section or permits such a condition to be contravened, or
 - (b) contravenes subsection (6) above,
- is liable on summary conviction to a fine ^{F14}not exceeding level 5 on the standard scale^{F14} and to a further fine not exceeding ^{F15}£50^{F15} ^{F15}level 1 on the standard scale^{F15} for each day on which the offence continues or, as the case may be, on which the work or building is allowed to remain after he is convicted; but this subsection does not prejudice a local authority's rights under subsection (6) above.
- (8) In this section, “the relevant building” means, in any particular case, the building mentioned in paragraph (a) or, as the case may be, paragraph (b) of subsection (9) below.
- (9) This section applies to—
- (a) any work consisting of a part of a building, being a part in the construction of which there is used any material or component of a type that, in relation to a part of that description, is prescribed for the purposes of this paragraph under subsection (10) below, and
 - (b) any work provided in or in connection with a building, being work consisting of a service, fitting or item of equipment of a type so prescribed for the purposes of this paragraph.
- (10) The ^{F16}appropriate national authority^{F16} may by building regulations—
- (a) prescribe a type of material or component for the purposes of subsection (9) (a) above if in ^{F17}its^{F17} opinion materials or components of that type are likely to be unsuitable for use in the construction of a particular part of a permanent building in the absence of conditions with respect to the use of the building or with respect to any material or component of that type used in the construction of a part of that description,
 - (b) prescribe a type of service, fitting or equipment for the purposes of subsection (9)(b) above if in ^{F17}its^{F17} opinion services, fittings or equipment of that type are likely to be unsuitable for provision in or in connection with a permanent building in the absence of conditions with respect to the use of the building or with respect to a service, fitting or equipment of that type so provided.
- (11) Upon section 19 above ceasing to have effect—
- (a) any building regulations made, period fixed, condition imposed or other thing done by virtue of the said section 19 shall be deemed to have been made, fixed, imposed or done by virtue of this section, and
 - (b) anything begun under the said section 19 may be continued under this Act as if begun under this section, but any appeal under section 19(4) that is pending

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at the time when the said section 19 ceases to have effect, and any proceedings arising out of such an appeal, shall proceed as if that section were still in force.

Textual Amendments

- F1** Words in s. 20(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. 22\(3\)\(a\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F2** Words in s. 20(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. 22\(3\)\(b\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F3** Words in s. 20(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. 22\(3\)\(c\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F4** Words in s. 20(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. 22\(3\)\(d\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\), s. 4, Sch. 2 para. 67\(2\)](#)
- F6** Words in s. 20(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. 22\(4\)\(a\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F7** Words in s. 20(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. 22\(4\)\(b\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F8** Words in s. 20 substituted in part (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 5 para. 22\(2\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 4)
- F9** Words in s. 20(3) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 5 para. 22\(5\)\(a\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F10** Words in s. 20(3)(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. 22\(5\)\(b\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F11** Words in s. 20(5)(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. 22\(6\)](#); S.I. 2023/993, reg. 2(n)(x) (with reg. 3)
- F12** Words in s. 20(5) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 6 para. 3\(2\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F13** S. 20(5A) inserted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 6 para. 3\(3\)](#); S.I. 2023/993, reg. 2(o)(i) (with reg. 6)
- F14** Words in s. 20(7) 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. 22\(7\)\(a\)](#); S.I. 2023/993, reg. 2(n)(x)
- F15** Words in s. 20(7) substituted (1.10.2023 except in relation to W.) by [Building Safety Act 2022 \(c. 30\), s. 170\(4\)\(b\)\(c\), Sch. 5 para. 22\(7\)\(b\)](#); S.I. 2023/993, reg. 2(n)(x)
- F16** Words in s. 20(10) 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. 22\(8\)\(a\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 23; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 15
- F17** Word in s. 20(10) 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. 22\(8\)\(b\)](#); S.I. 2022/561, reg. 3(f), Sch. para. 23; S.I. 2023/914, reg. 2(b)(xiii), Sch. para. 15

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Changes and effects yet to be applied to :

- s. 20(1) words inserted by [2023 asc 3 Sch. 13 para. 62](#)

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\(4\)](#)