



# 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*

#### 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>F1</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>F2</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>F3</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>F4</sup>approved inspector shall][<sup>F4</sup>registered building control approver, or in the case of paragraph (e) the person shown in the initial notice as the registered building control

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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>F5</sup>or intending to carry out the work], and
  - (b) that, within the prescribed period, [<sup>F6</sup>the prescribed steps are not taken by the person who, in accordance with building regulations, is required to take them].
- [<sup>F7</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>F9</sup>(1) or] (3) above, he is liable on summary conviction to a fine [<sup>F10</sup>not exceeding level 5 on the standard scale].
- (5) [<sup>F11</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>F12</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);

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- (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.

- [<sup>F13</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

- F1** Words in s. 52(1)(a) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(6)(a)**
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)
- F8** Words in s. 52(3) substituted (14.10.1996) by S.I. 1996/1905, **art. 3(6)(b)**
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** 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)

**Changes to legislation:**

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

- s. 52(1)(a) word substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(a\)\(ii\)](#)
- s. 52(1)(a) words substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(a\)\(i\)](#)
- s. 52(1)(b) word substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(b\)\(iii\)](#)
- s. 52(1)(b) words substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(b\)\(i\)](#)
- s. 52(1)(b) words substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(b\)\(ii\)](#)
- s. 52(1)(c) words substituted by [2022 c. 30 Sch. 4 para. 10\(2\)\(c\)](#)
- s. 52(2)(a) words substituted by [2022 c. 30 Sch. 4 para. 10\(3\)](#)
- s. 52(6) word substituted by [2022 c. 30 Sch. 5 para. 44\(3\)](#)

**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\(4\)](#)