



Building Act 1984

1984 CHAPTER 55

PART II

SUPERVISION OF BUILDING WORK ETC. OTHERWISE THAN BY [^{F1}LOCAL AUTHORITIES][^{F1}BUILDING CONTROL AUTHORITIES]

Supervision of plans and work by approved inspectors

53 Effect of initial notice ceasing to be in force.

- (1) This section applies where an initial notice ceases to be in force by virtue of section 47(4)(b)(i) or (ii) above.
- (2) Building regulations may provide that, if—
 - (a) a plans certificate was given before the day on which the initial notice ceases to be in force, [^{F1}and]
 - (b) that certificate was accepted by the local authority (before, on or after that day), [^{F2}and
 - (c) before that day, that acceptance was not rescinded by a notice under section 50(8) above,]

then with respect to the work specified in the certificate, such of the functions of a local authority referred to in section 48(1) above as may be prescribed for the purposes of this subsection either are not exercisable or are exercisable only in prescribed circumstances.

- (3) If, before the day on which the initial notice ceased to be in force, a final certificate—
 - (a) was given in respect of part of the work [^{F3}to which the initial notice relates], and
 - (b) was accepted by the local authority (before, on or after that day),

the fact that the initial notice has ceased to be in force does not affect the continuing operation of section 51(3) above in relation to that part of the work.

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- (4) Notwithstanding anything in subsections (2) and (3) above, for the purpose of enabling the local authority to perform the functions referred to in section 48(1) above in relation to any part of the work not specified in a plans certificate or final certificate, as the case may be, building regulations may require the local authority to be provided with plans that relate not only to that part but also to the part to which the certificate in question relates.
- [^{F4}(4A) For the purpose of enabling the local authority to perform the functions referred to in section 48(1), the local authority may by notice require the person shown in the initial notice as the registered building control approver to give the local authority—
- (a) any information the authority would have obtained if the authority had performed the function of enforcing building regulations in relation to the work to which the initial notice relates during the period in which the initial notice was in force, and
 - (b) any other information the local authority may reasonably require.
- (4B) Where a person is required to give information under subsection (4A), the information must be given before the end of the prescribed period.
- (4C) The person shown in the initial notice as the registered building control approver (the “outgoing approver”) must, before the end of the prescribed period, give the person carrying out or intending to carry out the work to which the initial notice relates—
- (a) any information given to a local authority under subsection (4A),
 - (b) any other information that the outgoing approver obtained or created in relation to the work during the period in which the initial notice was in force, and
 - (c) any other information that the person carrying out or intending to carry out the work may by notice reasonably require for the purpose of enabling a person other than the outgoing approver to perform the functions referred to in section 48(1) in relation to the work.
- (4D) A notice under subsection (4C)(c)—
- (a) may only require information to be given in relation to work carried out during the period in which the initial notice was in force;
 - (b) may require information to be provided in a specified format.]
- (5) In any case where this section applies, the reference in subsection (4) of section 36 above to the date of the completion of the work in question has effect, in relation to a notice under subsection (1) of that section, as if it were a reference to the date on which the initial notice ceased to be in force.
- (6) [^{F5}Subject to any provision of building regulations made by virtue of subsection (2) above, if, before the initial notice ceased to be in force, an offence under section 35 above was committed with respect to any of the work [^{F6}to which that notice relates], proceedings for that offence may be commenced by the local authority at any time within six months beginning with the day on which the function of the local authority referred to in section 48(1) above became exercisable with respect to the provision of building regulations to which the offence relates.]
- [^{F7}(6A) [^{F8}Subsection (6) above is without prejudice to any ability which, after that function has become exercisable, the local authority may have under section 35A above to commence proceedings for the offence after the end of that period of six months.]]

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- [^{F9}(7) A new initial notice relating to any of the work to which the original initial notice related (the “original work”) may be given only if—
- (a) in the case of an initial notice that ceases to be in force by virtue of—
 - (i) being cancelled under section 52(1)(d) or (e),
 - (ii) being cancelled under section 52(5A) based on a condition in section 52(5B)(a) to (d), or
 - (iii) such other provision as may be prescribed,the conditions in subsection (8) are met, or
 - (b) in any other case, the conditions in subsection (9) are met.
- (8) The conditions referred to in subsection (7)(a) are that the new initial notice—
- (a) is given before the end of the period of seven days beginning with the day on which the original initial notice ceased to be in force or such other period as may be prescribed,
 - (b) relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority, and
 - (c) is not a combined initial notice and plans certificate given in accordance with section 50(4).
- (9) The conditions referred to in subsection (7)(b) are that—
- (a) before the original initial notice ceases to be in force, the original registered building control approver has given a final certificate under section 51 in respect of any part of the work which they are satisfied has been completed, and
 - (b) the new initial notice relates to all of the original work, except for any work in respect of which a final certificate has been accepted by the local authority.
- (10) Where—
- (a) a plans certificate has been given in respect of any of the original work,
 - (b) the conditions in paragraphs (a) and (b) of subsection (2) are fulfilled with respect to that certificate, and
 - (c) a new initial notice as referred to in subsection (7) is accepted,
- section 50(1C) does not apply in relation to so much of the work to which the new initial notice relates as is work specified in the plans certificate.
- (11) Section 53B applies in relation to a new initial notice given in accordance with subsection (7)(a).
- (12) The appropriate national authority may issue guidance about the process for—
- (a) the giving of a new initial notice under subsection (7);
 - (b) the giving of a transfer certificate and a transfer report under section 53B;
 - (c) the consideration of a transfer certificate and a transfer report under section 53C.
- (13) The appropriate national authority may revise or withdraw any issued guidance.
- (14) The following must have regard to guidance issued under subsection (12)—
- (a) a local authority;
 - (b) a registered building control approver;
 - (c) a person carrying out or intending to carry out work to which a new initial notice given under subsection (7) relates.]

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Textual Amendments

- F1** Word in s. 53(2)(a) inserted (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 [Building Safety Act 2022 \(c. 30\)](#), [ss. 36\(6\)\(a\)](#), 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](#))
- F2** S. 53(2)(c) and word 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\(6\)\(b\)](#), 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](#))
- F3** Words in s. 53(3)(a) substituted (14.10.1996) by S.I. 1996/1905, [art. 3\(7\)\(a\)](#)
- F4** S. 53(4A)-(4D) 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. 52\(1\)](#), 170(4)(b)(c); S.I. 2023/362, [reg. 3\(1\)\(v\)](#); S.I. 2023/914, [reg. 2\(b\)\(xii\)](#)
- F5** S. 53(6) 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. 45](#); S.I. 2023/993, [reg. 2\(n\)\(xix\)](#)
- F6** Words in s. 53(6) substituted (14.10.1996) by S.I. 1996/1905, [art. 3\(7\)\(b\)](#)
- F7** S. 53(6A) inserted (21.8.2006) by [Climate Change and Sustainable Energy Act 2006 \(c. 19\)](#), [ss. 13\(2\)](#), 28(1)
- F8** S. 53(6A) 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. 45](#); S.I. 2023/993, [reg. 2\(n\)\(xix\)](#)
- F9** S. 53(7)-(14) substituted for s. 53(7) (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. 51\(1\)](#), 170(4)(b)(c); S.I. 2023/362, [reg. 3\(1\)\(v\)](#); S.I. 2023/914, [reg. 2\(b\)\(xii\)](#)
- F10** Words in s. 53(7) words substituted (14.10.1996) by S.I. 1996/1905, [art. 3\(7\)\(c\)](#)

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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\(4\)](#)