



Climate Change and Sustainable Energy Act 2006

2006 CHAPTER 19

Building regulations relating to emissions and use of fuel and power

13 Time limit for prosecutions

(1) After section 35 of the Building Act 1984 (c. 55) insert—

“35A Time limit for prosecution for contravention of certain building regulations

- (1) Despite anything in section 127(1) of the Magistrates' Courts Act 1980 (c. 43), an information relating to a relevant offence may be tried by a magistrates' court if it is laid at any time—
- (a) within the period of two years beginning with the day on which the offence was committed, and
 - (b) within the period of six months beginning with the relevant date.
- (2) In subsection (1) above, “relevant offence” means a contravention of a provision contained in building regulations which is designated in the regulations as one to which this section applies.
- (3) A provision may be designated under subsection (2) above if, and only if—
- (a) it was made—
 - (i) for the purpose of furthering the conservation of fuel and power or otherwise in connection with the use of fuel and power, or
 - (ii) for the purpose of reducing emissions of greenhouse gases (within the meaning of the Climate Change and Sustainable Energy Act 2006), and
 - (b) contravention of the provision would be an offence under section 35 above.

- (4) In subsection (1)(b) above, “the relevant date” means the date on which evidence sufficient to justify the proceedings comes to the knowledge of the person commencing the proceedings.
- (5) In the case of proceedings commenced by a local authority—
- (a) evidence is to be regarded for the purposes of subsection (4) above as sufficient to justify the proceedings if in the opinion of the proper officer or an authorised officer it is sufficient to justify the proceedings, and
 - (b) a certificate of the proper officer or, as the case may be, that authorised officer as to the date on which evidence which, in his opinion, was sufficient to justify the proceedings came to the knowledge of the person commencing the proceedings is to be conclusive evidence of that fact.
- (6) Subsection (1) above does not apply in relation to a contravention of any provision contained in building regulations which was committed before that provision was designated under subsection (2) above.”
- (2) In section 53 of that Act (effect of initial notice ceasing to be in force), after subsection (6) insert—
- “(6A) 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.”

14 Report regarding compliance

- (1) The Secretary of State—
- (a) must, not later than 6 months after this section comes into force, lay before Parliament a report as mentioned in subsection (2), and
 - (b) may from time to time lay further such reports before Parliament.
- (2) A report under this section is a report on what, if any, steps—
- (a) he has taken during the reporting period, or
 - (b) he proposes to take,
- with a view to securing a greater incidence of compliance with relevant provisions of building regulations.
- (3) In this section—
- “reporting period” means the period specified in the report as the period to which the report relates;
- “relevant provision”, in relation to building regulations, means a provision of building regulations which is in force at any time during the reporting period and which, in the opinion of the Secretary of State, was made—
- (a) for the purpose of furthering the conservation of fuel and power, or otherwise in connection with the use of fuel and power, or
 - (b) for the purpose of reducing emissions of greenhouse gases.