



Public Health Act 1961

1961 CHAPTER 64

PART II

SANITATION AND BUILDINGS

Building regulations

4 Power to make building regulations

- (1) The Minister shall have power to make regulations for all or any of the matters set out in sections sixty-one and sixty-two of the Public Health Act, 1936 (being the matters which local authorities can now regulate by building byelaws), and local authorities shall no longer have power to make building byelaws.

Regulations under this section shall be known as building regulations.

- (2) Any provision contained in building regulations may be made so as to apply generally, or in an area specified in the regulations, and the regulations may make different provision for different areas.
- (3) It shall be the function of every local authority to enforce building regulations in their district.
- (4) Local authorities shall, in relation to building regulations, have all such functions under sections sixty-four and sixty-five of the Public Health Act, 1936 (which confer power to pass plans, and to enforce building byelaws), as they have in relation to building byelaws; and building regulations shall provide in appropriate cases for the deposit of plans with local authorities, and for the giving of notices to local authorities.
- (5) Building regulations may include such supplemental and incidental provisions as appear to the Minister to be expedient.
- (6) If a person contravenes or fails to comply with any provision contained in building regulations he shall be liable to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds for each day on which the default continues after he is convicted.

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- (7) The power of making building regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

5 Application to building regulations of statutory provisions concerning building byelaws

- (1) Subject to the provisions of this section, for any reference—
- (a) to building byelaws as defined in section three hundred and forty-three of the Public Health Act, 1936, or
 - (b) to byelaws made under Part II of that Act with respect to buildings, works and fittings,
- which occurs in that Act or in any other Act, or in any instrument having effect under any Act, there shall be substituted a reference to building regulations.
- (2) Subsection (1) of this section shall not apply to the definition of building byelaws in section one hundred and eighty-nine of the Housing Act, 1957, but in subsection (4) of section twelve, subsection (2) of section twenty-nine and subsection (2) of section fifty-nine of that Act references to building byelaws shall include references to building regulations.
- (3) References to building regulations shall be included in any references to byelaws in any of the following enactments, that is to say—
- (a) Part XII of the Public Health Act, 1936, except section three hundred and twelve ; and
 - (b) section seventeen of the Restriction of Ribbon Development Act, 1935 (which authorises a local authority as a condition of approving building plans to require the provision of means of entrance and egress from buildings),
- and in subsection (2) of section ninety of the Public Health Act, 1936, for the references to byelaws there shall be substituted references to building regulations.

6 Relaxation of building regulations

- (1) Subject to the provisions of this section, if the Minister, on an application made in accordance with the provisions of this Act, considers that the operation of any requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, he may, after consultation with the local authority, give a direction dispensing with or relaxing that requirement.
- (2) If building regulations so provide as regards any requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) of this section shall be exercisable by the local authority (instead of by the Minister after consultation with the local authority) :
- Provided that any building regulations made by virtue of this subsection shall except applications made by local authorities and may except applications of any other description.
- (3) Building regulations may provide as regards any requirement contained in the regulations that the foregoing subsections of this section shall not apply.
- (4) An application under this section shall be in such form as may be prescribed by building regulations and shall contain such particulars as may be so prescribed.

- (5) The application shall be made to the local authority and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the Minister and give notice to the applicant that it has been so transmitted.
- (6) An application by a local authority shall be made to the Minister.
- (7) The provisions of Part I of the First Schedule to this Act shall have effect as regards any application made under this section for a direction which will affect the application of building regulations to work which has been carried out before the making of the application.
- (8) Section sixty-three of the Public Health Act, 1936 (which is superseded by this section), shall cease to have effect.

7 Appeal against refusal by local authority to relax building regulations

- (1) If a local authority refuse an application to dispense with or relax any requirement in building regulations which they have power to dispense with or relax, the applicant may by notice in writing appeal to the Minister within one month from the date on which the local authority notify the applicant of their refusal.
- (2) If within a period of two months beginning with the date of an application, or within such extended period as may at any time be agreed in writing between the applicant and the local authority, the local authority do not notify the applicant of their decision on the application, subsection (1) of this section shall apply in relation to the application as if the local authority had refused the application and notified the applicant of their decision at the end of the said period.
- (3) The notice of appeal shall set out the grounds of appeal, and a copy of the notice of appeal shall be sent to the local authority.
- (4) The local authority on receiving a copy of the notice of appeal shall at once transmit to the Minister a copy of the application and a copy of all documents furnished by the applicant for the purposes of his application.
- (5) The local authority shall at the same time give to the Minister in writing any representations which they desire to make as regards the appeal, and shall send a copy to the appellant.
- (6) If the Minister allows the appeal he shall give such directions for dispensing with or relaxing building regulations as may be appropriate.

8 Advertisement of proposal to relax building regulations

- (1) Subject to the provisions of this section, not less than twenty-one days before the Minister or a local authority give a direction under section six of this Act, the Minister or, as the case may be, the local authority shall publish in a local newspaper circulating in the area where the site of the work in respect of which the application is made is situated a notice—
 - (a) indicating the situation and nature of the work and the requirement to be dispensed with or relaxed, and

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- (b) stating that representations with regard to the effect which the direction may have on public health or safety may be made by a date specified in the notice, being a date not less than twenty-one days from the date of the notice, and before publication of the notice the Minister or the local authority may, as a condition of entertaining the application, require the applicant to pay or undertake to pay the cost of publication.
- (2) If it appears to the Minister or the local authority that any effect which the direction may have on public health or safety will be limited to premises adjoining the site of the works, the Minister or, as the case may be, the local authority need not publish a notice under the foregoing subsection, but in that case shall give such a notice to the owner and occupier of those premises.
- (3) No notice need be published or given under this section where the work in respect of which the application is made affects only an internal part of a building.
- (4) The Minister may, instead of himself publishing or giving any notice under this section, require the local authority to give or publish the notice.
- (5) Before giving the direction the Minister or, as the case may be, the local authority shall consider any representations duly made in pursuance of a notice published or given under this section.
- (6) If, after a local authority have received representations under this section, they refuse the application to which the representations relate and an appeal is brought against their refusal, the local authority shall transmit to the Minister copies of those representations.

9 Consultation with Building Regulations Advisory Committee and other bodies

- (1) The Minister shall appoint a committee, to be known as the Building Regulations Advisory Committee, for the purpose of advising the Minister on the exercise of his power to make building regulations, and on other subjects connected with building regulations.
- (2) The Minister may pay such expenses incurred by members of the Building Regulations Advisory Committee as he may, with the approval of the Treasury, determine.
- (3) Before making any building regulations, the Minister shall consult the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned.

10 Minor amendments

- (1) In subsection (2) of section sixty-one of the Public Health Act, 1936 (which as amended by the foregoing provisions of this Act enables building regulations to include provisions as to the giving of notices and deposit of plans), the word " estimates" inserted by section fourteen of the Statistics of Trade Act, 1947, shall cease to have effect, together with subsections (1) and (2) of the said section fourteen.
- (2) In subsection (4) of section sixty-four of the Public Health Act, 1936 (which defines the period within which plans must be passed or rejected by the local authority), for the words from " one month " to the end of the subsection there shall be substituted the words " five weeks or such extended period (expiring not later than two months

from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority " .

- (3) Section eighteen of the Ancient Monuments Consolidation and Amendment Act, 1913 (which gives power to relax byelaws), shall cease to have effect.
- (4) In subsection (1) of section seventy of the Public Health Act, 1936 (which requires local authorities to keep certain information available to the public), for the words from the beginning of the subsection to the words " appended thereto " there shall be substituted the words " Every local authority shall keep at their offices for inspection by the public at all reasonable times free of charge " .
- (5) For paragraph (c) of subsection (1) of the said section seventy there shall be substituted the following paragraph—
 - “(c) in a district in which there is in force a local Act containing provisions which impose any obligation or restriction as to the construction, nature or situation of buildings, a copy of those provisions of the local Act”.
- (6) Subsection (3) of section twenty-five and subsection (2) of section sixty-six of the Public Health Act, 1936 (which contain transitional provisions consequent upon the enactment of that Act), shall cease to have effect.

11 Building regulations: transitionals and consequential amendments

- (1) The provisions of this Part of this Act as regards building regulations shall have effect subject to the transitional provisions in Part II of the First Schedule to this Act.
- (2) The enactments specified in Part III of the First Schedule to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Part of this Act relating to building regulations.