
STATUTORY INSTRUMENTS

2000 No. 2531

The Building Regulations 2000

PART VI

MISCELLANEOUS

Testing of drains and private sewers

18. The local authority may make such tests of any drain or private sewer as may be necessary to establish whether it complies with any of the requirements of Part H of Schedule 1 (drainage and waste disposal).

Sampling of material

19. The local authority may take such samples of the material to be used in the carrying out of building work as may be necessary to enable them to ascertain whether such materials comply with the provisions of these Regulations.

Supervision of building work otherwise than by local authorities

20.—(1) Regulations 12, 15, 16, 17, 18 and 19 shall not apply in respect of any work specified in an initial notice, an amendment notice or a public body's notice, which is in force.

(2) Regulations 18 and 19 shall not apply in respect of any work in relation to which a final certificate or a public body's final certificate has been accepted by the local authority.

Unauthorised building work

21.—(1) This regulation applies where it appears to a local authority that unauthorised building work has been carried out on or after 11th November 1985.

(2) In this regulation, "unauthorised building work" means building work other than work in relation to which an initial notice, an amendment notice or a public body's notice has effect, which is done without—

- (a) a building notice being given to the local authority; or
- (b) full plans of the work being deposited with the local authority; or
- (c) a notice of commencement of work being given, in accordance with regulation 15(1) of these Regulations, where a building notice has been given or full plans have been deposited.

(3) Where this regulation applies, the owner (in this regulation referred to as "the applicant") may apply in writing to the local authority for a regularisation certificate in accordance with this regulation, and shall send with his application—

- (a) a statement that the application is made in accordance with this regulation,
- (b) a description of the unauthorised work,

- (c) so far as is reasonably practicable, a plan of the unauthorised work, and
- (d) so far as is reasonably practicable, a plan showing any additional work required to be carried out to secure that the unauthorised work complies with the requirements relating to building work in the building regulations which were applicable to that work when it was carried out (in this regulation referred to as “the relevant requirements”).

(4) Where a local authority receive an application in accordance with this regulation, they may require the applicant to take such reasonable steps, including laying open the unauthorised work for inspection by the authority, making tests and taking samples, as the authority think appropriate to ascertain what work, if any, is required to secure that the relevant requirements are met.

(5) When the applicant has taken any such steps required by the local authority as are described in paragraph (4), and having had regard to any direction given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act dispensing with or relaxing a requirement in building regulations which applies to the unauthorised work, the local authority shall notify the applicant—

- (a) of the work which in their opinion is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (b) that they cannot determine what work is required to comply with the relevant requirements or those requirements as dispensed with or relaxed, or
- (c) that no work is required to secure compliance with the relevant requirements or those requirements as dispensed with or relaxed.

(6) Where the local authority have been able to satisfy themselves, after taking all reasonable steps for that purpose that—

- (a) the relevant requirements have been satisfied (taking account of any work carried out and any dispensation or relaxation given in accordance with sections 8 and 9 of, and Schedule 2 to, the Act), or
- (b) no work is required to secure that the unauthorised work satisfies the relevant requirements (taking account of any such dispensation or relaxation),

they may give a certificate to that effect (in this regulation referred to as “a regularisation certificate”).

(7) A regularisation certificate shall be evidence (but not conclusive evidence) that the relevant requirements specified in the certificate have been complied with.

(8) Where this regulation applies, regulations 12 and 14 shall not apply, and neither the supply of plans nor the taking of any other action in accordance with this regulation is to be treated for the purposes of section 16 of the Act as the deposit of plans in accordance with building regulations.

Contravention of certain regulations not to be an offence

22. Regulation 17 is designated as a provision to which section 35 of the Act (penalty for contravening building regulations) does not apply.

Transitional provisions

23.—(1) Subject to paragraph (2), the Regulations specified in Schedule 3 shall continue to apply in relation to any building work as if these Regulations had not been made where—

- (a) before 1st January 2001 a building notice, an initial notice, an amendment notice or a public body’s notice has been given to, or full plans have been deposited with, a local authority; and
- (b) building work is carried out or is to be carried out in accordance with any such notice or plans, whether with or without any departure from such plans.

(2) Where an initial notice given before 1st January 2001 is varied by an amendment notice given on or after that date, the Regulations specified in Schedule 3 shall continue to apply as if these Regulations had not been made, to so much of the building work as could have been carried out under that initial notice if the amendment notice had not been given.

Revocations

24. The Regulations specified in Schedule 3 are hereby revoked.