

2012 No. 3124

BUILDING AND BUILDINGS, ENGLAND

**The Building (Repeal of Provisions of Local Acts) Regulations
2012**

<i>Made</i> - - - -	<i>17th December 2012</i>
<i>Laid before Parliament</i>	<i>19th December 2012</i>
<i>Coming into force</i> - -	<i>9th January 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 1(1) of, and paragraphs 10 and 11(1)(c) of Schedule 1 to, the Building Act 1984(a), having consulted, in accordance with section 14(4) of that Act(b), the Building Regulations Advisory Committee for England(c), such persons or bodies as appear to him to be representative of local authorities and such other bodies as appear to him to be representative of the interests concerned, and being satisfied that certain provisions of local Acts are unnecessary in consequence of building regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Building (Repeal of Provisions of Local Acts) Regulations 2012 and shall come into force on 9th January 2013.

(2) These Regulations apply in relation to England only.

Repeal of certain provisions of local Acts

2. Subject to regulation 4, the following local Acts are repealed to the extent specified in the third column.

London Building Acts (Amendment) Act 1939	1939 c. xcvii	Sections 20 and 21(d); in section 148(2) paragraph (ix) in the table of offences; in section 148(3) paragraph (iv) in the table of offences; in section 151(3) and (4) the words “or in section 20
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(a) 1984 c.55. Paragraph 11(1)(c) of Schedule 1 was inserted by the Deregulation and Contracting Out Act 1994 (c.40), section 32 (1). The majority of functions exercised by the Secretary of State under the 1984 Act, so far as exercisable in relation to Wales, were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) (No.2) Order 2009 (S.I. 2009/3019), article 2, made under the Government of Wales Act 2006 (c.32), section 58.

(b) Section 14(4) was inserted by the Deregulation and Contracting Act 1994, section 32(2).

(c) Existing members of the Building Regulations Advisory Committee as at 31st December 2011 were transferred on that date to the Buildings Advisory Committee for England (article 9 of the Welsh Ministers (Transfer of Functions) (No.2) Order 2009).

(d) Sections 20 and 21 were amended by Schedule 3 to the Building (Inner London) Regulations 1985 (S.I. 1985/1936).

		(Precautions against fire in certain buildings and cubical extent of buildings) or section 21 (Uniting of buildings)".
County of Merseyside Act 1980	1980 c. x	Sections 50, 52, 53 and 55(2)(b); in section 132(2) the words "In section 50 (Parking places: safety requirements), subsection (6); In section 52 (Fire precautions in high buildings), subsection (5); In section 53 (Fire precautions in large storage buildings), subsection (6);"; in section 139 (2) the words "Section 53 (Fire precautions in large storage buildings);"; section 140; in section 142(2) the words "Section 53 (Fire precautions in large storage buildings), so far as it relates to conditions with respect to the matters specified in subsection (3)(d) of that section;".
West Midlands County Council Act 1980	1980 c. xi	Section 44; in section 112(2) the words "In section 44 (Parking places: safety requirements), subsection (6);"; in section 117(2) the words "Section 44 (Parking places: safety requirements);".
Cheshire County Council Act 1980	1980 c. xiii	Sections 48 and 55; in section 103(2) the words "in section 48 (Parking places: safety requirements), subsection (6); in section 55 (Further precautions against fire in high buildings), subsection (4);"; in section 110(2) the words "Section 48 (Parking places: safety requirements);".
Isle of Wight Act 1980	1980 c. xv	Section 30; in section 58(2) the words "In section 30 (Parking places: safety requirements), subsection (6);"; in section 64(2) the words "Section 30 (Parking places: safety requirements);".
South Yorkshire Act 1980	1980 c. xxxvii	Sections 53 and 57; in section 100(2) the words "In section 53 (Parking places: safety requirements), subsection (6);".
Greater Manchester Act 1981	1981 c. ix	Sections 61, 63(2)(b), 64 and 65; in section 172(2) the words "In section 61 (Parking places: safety requirements), subsection (6); In section 64 (Fire precautions in high buildings), subsection (5); In section 65 (Fire precautions in large storage buildings), subsection (6);"; in section 181(2) the words "Section 65 (Fire safety precautions in large storage buildings), so far as it relates to conditions with respect to the matters specified in subsection (3)(d) of that section;".
County of Kent Act 1981	1981 c. xviii	Section 51; in section 123(2) the words "In section 51 (Parking places: safety requirements), subsection (6);"; in section 129(2) the words "Section 51 (Parking places: safety requirements);".
Derbyshire Act 1981	1981 c. xxxiv	Section 28; in section 57(2) the words "In section 28 (Parking places: safety requirements), subsection (6);"; in section 63(2) the words "Section 28 (Parking places: safety requirements);".

Humberside Act 1982	1982 c. iii	Sections 12 and 88; in section 95(2) the words “Section 12 (Parking places: safety requirements);”.
County of Avon Act 1982	1982 c. iv	Sections 7 and 51; in section 58(2) the words “Section 7 (Parking places: safety requirements);”; in section 59(2) the words “Section 7 (Parking places: safety requirements);”.
Cumbria Act 1982	1982 c. xv	Section 23; in section 59(2) the words “In section 23 (Parking places: safety requirements), subsections (6) and (9);”; in section 63(2) the words “Section 23 (Parking places: safety requirements);”; in section 64(2) the words “Section 23 (Parking places: safety requirements);”.
Hampshire Act 1983	1983 c. v	Sections 11 and 13; Section 76; in section 82(2) the words “Section 11 (Parking places: safety requirements); Section 13 (Fire precautions in certain large buildings);”; in section 84(2) the words “Section 13 (Fire precautions in certain large buildings);”.
Staffordshire Act 1983	1983 c. xviii	Section 25; in section 66(2) the words “In section 25 (Parking places: safety requirements), subsection (6);”; in section 71(2) the words “section 25 (Parking places: safety requirements);”.
County of Lancashire Act 1984	1984 c. xxi	Section 34.
Surrey Act 1985	1985 c. iii	Sections 18, 19, 27 and section 33(2).
Bournemouth Borough Council Act 1985	1985 c. v	Sections 16, 17, 18 and 60; in section 68(2) the words “Section 17 (Fire precautions in certain large buildings); Section 18 (Fire precautions in high buildings);”.
Leicestershire Act 1985	1985 c. xvii	Sections 49, 52 and 53; in section 98(2) the words “; In section 49 (Parking places: safety requirements), subsection (6); In section 52 (Fire precautions in high buildings), subsection (5); In section 53 (Fire precautions in large storage buildings), subsection (6);”; in section 109(3) the words “; Section 52 (Fire precautions in high buildings); Section 53 (Fire precautions in large storage buildings)”.
Hereford City Council Act 1985	1985 c. xlii	Sections 17 and 36; in section 42(2) the words “;Section 17 (Parking places: safety requirements)”.
Worcester City Council Act 1985	1985 c. xliii	Sections 46 and 56; in section 61(2) the words “; Section 46 (Parking places: safety requirements)”.
Poole Borough Council Act 1986	1986 c. i	Sections 10, 14 and 15; in section 32(2) the words “In section 10 (Parking places: safety requirements), subsection (5); ;In section 14 (Fire precautions in certain large buildings), subsection (6); In

		section 15 (Fire precautions in high buildings), subsection (5)”; in section 39(2) the words “; Section 14 (Fire precautions in certain large buildings); Section 15 (Fire precautions in high buildings)”.
Berkshire Act 1986	1986 c. ii	Sections 36, 37 and 38; in section 67(2) the words “In section 36 (Parking places: safety requirements), subsection (5); In section 37 (Fire precautions in large storage buildings), subsection (6); In section 38 (Fire precautions in high buildings), subsection (5); in section 75(2) the words “; Section 37 (Fire precautions in large storage buildings); Section 38 (Fire precautions in high buildings)”.
County of Cleveland Act 1987	1987 c. ix	Section 6.

Existing conditions

3. Subject to regulation 4, any condition imposed before the date on which these Regulations come into force under a provision repealed by regulation 2 shall cease to have effect from that date, and no proceedings or other action may be begun or continued on or after that date to enforce such condition or conditions.

Saving

4.—(1) Where any premises or facilities, equipment or devices are provided in respect of premises in connection with general fire precautions to safeguard the safety of relevant persons pursuant to a provision repealed by regulation 2, the responsible person must comply with article 17 of the Regulatory Reform (Fire Safety) Order 2005(a) (“the 2005 Order”) as if a reference to enactments repealed or revoked by the 2005 Order included a reference to enactments repealed by regulation 2.

(2) “General fire precautions”, “relevant persons” and “responsible person” shall have the same meanings as in the 2005 Order.

Signed by the authority of the Secretary of State for Communities and Local Government

Don Foster

Parliamentary Under Secretary of State

Department for Communities and Local Government

17th December 2012

(a) S.I. 2005/1541.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations repeal certain provisions in local Acts in England relating to fire precautions in car parks, large storage buildings and high buildings, as set out in regulation 2. The provisions impose conditions beyond those required by building regulations and are unnecessary as a result of Part B of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) which provides for the safety and welfare of persons in and around buildings.

Regulation 3 provides that at the date of repeal any existing conditions imposed under a provision repealed by regulation 2 will cease to have effect.

Regulation 4 requires the responsible person to continue to comply with article 17 of the Regulatory Reform (Fire Safety) Order 2005 (“the 2005 Order”), where any premises or facilities, equipment or devices were provided for the purpose of general fire precautions to safeguard relevant persons under provisions repealed under regulation 2. “Responsible person”, “general fire precautions” and “relevant persons” have the meaning set out in the 2005 Order.

An impact assessment has been prepared in relation to these Regulations, and is obtainable from the legislation.gov.uk website.

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STATUTORY INSTRUMENTS

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