

GUIDANCE NOTES

Produced by

Tendring District Council
Building Control Service



BUILDING CONTROL GUIDANCE ON DEMOLITIONS BUILDING ACT 1984 SECTIONS 80-83



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Under Section 80 of the above Act any person who intends to carry out the demolition of a building must inform the Local Authority in writing. Legally, no one can start demolition work unless the Local Authority has been notified.

The notification must specify the building to which it relates and the work of demolition intended to be carried out, but this is not required to be set out on a special form. However, we have produced a document for you to print out and use if you so wish, by following this [Link](#). Please note there is no fee to pay when submitting a Demolition Notice.

The person notifying the Local Authority must send a copy of the notification to:

- The occupier of any building adjacent to the building(s) being demolished.
- Any public gas supplier in whose authorised area the demolition is taking place.
- The public electricity supplier in whose authorised area the building is situated and,
- Any other person authorised by a licence to supply electricity.

Demolition may legally commence after the Authority has issued a Counter Notice under Section 81 or, if the Authority has failed to issue a counter notice within 6 weeks of the date of service of The Notice of Intent. *Where demolition has commenced without pre-notification to the Local Authority, an offence will have been committed and this could result in a conviction in the Magistrates Court.* However, this does not prevent the authority serving its counter notice and instigating proceedings for a fine.

A Counter Notice served under Section 81 of the Building Act may require all, or any, of the following works:

1. To shore up any building adjacent to the building to which the Notice relates.
2. To weatherproof any surfaces of an adjacent building exposed by the demolition.
3. To repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it.
4. To remove material or rubbish resulting from the demolition and clearance of the site.
5. To disconnect and seal, at such points as the Local Authority may reasonably require, any sewer or drain in or under the building.
6. To remove any such sewer or drain and seal any sewer or drain with which the sewer or drain to be removed is connected.
7. To make good to the satisfaction of the Local Authority the surface of the ground disturbed by anything done under paragraphs (e) or (f) above.

8. To make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building.
9. To make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required.
10. To take such steps relating to the conditions subject to which the demolition is to be undertaken and the condition in which the site is to be left on completion of the demolitions, as the Local Authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.

Please note that the counter notice will require you to inform the council at least 24 hours before you carry out any works under points 5,6&7 above. Failure to do this may leave you liable for a fine.

The above information provides guidance to those who may be involved or propose to carry out demolition works. It is not a statement of the law and appropriate professional advice should always be sought by those undertaking works of demolition.

The guidance deals only with requirements relating to the Building Act 1984. However, demolition works may be subject to other statutory requirements, such as:

- A. Town and County Planning Act 1990
- B. Planning (Listed Buildings and Conservation Areas) Act 1990
- C. Health and Safety at Work, etc Act 1974
- D. Management of Health and Safety at Work Regulations 1992
- E. Construction (Design and Management) Regulations 1994.

