

# Pembrokeshire County Council Building Control

Quality and Excellence in Construction



## SECTIONS 80, 81, 82 AND 83 OF THE BUILDING ACT 1984 GUIDANCE NOTE ON THE PREPARATION OF NOTICES OF INTENDED DEMOLITION.

### Intention to carry out demolition works.

*If you intend to carry out demolition works:*

- (i) You must give notice of your intention to carry out the demolition or partial demolition of a building prior to the commencement of the works. The notice shall specify the building to which it relates; and the nature and extent of the proposed works. Whilst there is no required format for this notice, the attached (section 80 notice) template can be used.
- (ii) The person carrying out the works shall also send a copy of the notice to the occupier of any building adjacent to the works; the local gas supply company; and the local electricity supplier.
- (iii) Demolition works shall not commence until either the local authority has served a counter notice under section 81 of the Building Act or a period of six weeks has expired from the date of giving the notice under section 80.
- (iv) Commencement of work prior to receipt of a counter notice or expiry of the six week period mentioned above may on summary conviction result in a fine not exceeding level 4 of the standard scale (£2500).

### *Exemptions:*

You are not required to serve a section 80 Demolition notice if the demolition:-

- (a) is in pursuance of a demolition order made under the Housing Act 1957.
- (b) is for an internal part of a building, where the building is occupied and it is intended that it should continue to be occupied.
- (c) is of a building that has a cubic content (measured externally) of not more than 1750 cubic feet (approximately 50 cubic metres.) (e.g. 3.6m x 3.6m x 3.6m.)
- (d) is of a greenhouse, conservatory, shed or prefabricated garage that forms part of a larger building.
- (e) is of an agricultural building unless it is connected to another building that is not itself an agricultural building or a building mentioned in (c) or (d) above.

## **Local Authority Counter Notice.**

On receipt of a notice of intended demolition, the local authority may serve a counter notice (section 81) on the person intending to carry out the demolition. The notice will contain requirements on how the demolition shall be carried out.

Such a notice may also be served on a person:-

- (a) in receipt of a demolition order issued under the Housing Act 1957.
- (b) who appears not to be intending to comply with an order made under section 77 or section 79 of the Building Act 1984.
- (c) who appears to have commenced or is intending to commence demolition works to which section 80 of the Building Act 1984 applies.

*Period for issuing a counter notice.*

A counter notice under section 81 of the Building Act must be served within the relevant period. Where a person intending to carry out demolition issues a notice under section 80, the relevant period is six weeks. Where the local authority has served a demolition order under the Housing Act 1957, the relevant period is seven days.

*Local Authority Notifications.*

The local authority shall issue copies of the counter notice to the owner and occupiers of adjacent buildings; to the local gas supply company; to the local electricity supply company; the local water supply company; and the local fire authority.

If materials are to be burned on site then a copy of the notice will also be issued to the Health and Safety Executive.

## **Planning and other consents.**

In addition to the section 80 demolition notice, you will also need to give notice to Pembrokeshire County Council's planning department. They can be contacted on 01437 764551 if you wish to discuss their requirements further.

## **Health and Safety at Work etc Act 1974**

Nothing contained in a notice issued under section 81 of the Building Act 1984 shall prejudice or affect the operation of and statutory provisions under the Health and Safety at Work etc Act 1974. If a requirement of the section 81 notice is inconsistent with a requirement imposed by the Health and Safety at Work etc Act, the later requirement prevails.