

CHAPTER 234.**BUILDINGS.***(7th December, 1955.)*10/1955
2/1959
5/1967
16/1969
15/1970
3/1983

1. This Ordinance may be cited as the Buildings Ordinance. Short title.

2. (1) In this Ordinance-

Interpretation.
16/1969.

"Authority" means the Building Authority appointed under this Ordinance and includes any person to whom a delegation is made under the provisions of section 5;

"building" includes any erection of whatever material and in whatever manner constructed or any part of a building;

"centre of roadway" in relation to any road, passage or way existing on the 7th day of December, 1955, or thereafter formed, means the centre of the roadway of such road, passage or way as existing immediately before the time when first after the date aforesaid, or the formation of the same, any house or building pointing towards or abutting upon such road, passage or way was begun to be constructed or extended;

"clerk" means the clerk to the Authority or, when a delegation of power is made under the provisions of section 5, the person to whom such delegation has been made or any person appointed by him in that behalf;

"dwelling-house" means a building used, or constructed or adapted to be used, for human habitation and, in the case of a building used partly as a dwelling-house and partly for other purposes, that part used as a dwelling-house;

"new building" means-

- (a) an entirely new erection;
- (b) any building re-erected after having been pulled down wholly or in part to the level of the ground floor;
- (c) any building converted into, but not originally constructed as a dwelling-house;
- (d) any building originally constructed for one dwelling-house, converted into more than one dwelling-house;

"prescribed area" means any area prescribed by the Governor in Council under section 3 to be a prescribed area for the purposes of this Ordinance;

"prescribed distance" means the distance prescribed by the Authority, by notice published in the Gazette, in respect of any particular road, street, lane or way or any particular portion thereof respectively, to be stated in such notice; and in respect of the roads, streets, lanes or ways, or portions thereof respectively, in respect of which no distance has been prescribed in manner aforesaid, shall mean 22 feet from the centre of the roadway of a road or street, lane or way;

"public road" includes any road which has been declared by the Governor in Council to be a public road by order under the provisions of the Road Ordinance, or any later enactment amending or replacing the same;

Cap. 217.

2/ 1959.

"Road Warden" means the person or body of persons appointed to be Road Warden under section 7 of the Road Ordinance;

"roadway" in relation to any road, street, lane or way means the whole space open for traffic, whether carriage or motor traffic and foot traffic, or foot traffic only.

(2) Where in this Ordinance reference is made to the distance of an object from a road, such distance shall be measured between the object on the one hand and the edge of the road on that side of the road which is nearer to the object on the other hand:

Provided that where the road is less than 18 feet wide the edge shall be considered to exist 9 feet from the centre of the road.

(3) Where in this Ordinance any notice, order or any other instrument is required to be "published", then unless the contrary intention appears in any section, the publication thereof shall be made by posting the same on the door of any court house, church, chapel, school-house or other building in the Territory which in the opinion of the Governor will give publicity to such instrument; and in places where there is no such building as aforesaid, such instrument may be affixed to a board and fastened up in a conspicuous place.

3. (1) Section 6 shall apply only to such places or areas within the Territory as the Governor in Council may by order prescribe and every such order shall be published.

Application of section 6.

(2) Every order made by virtue of this section may be varied or revoked in like manner.

4. (1) For the purpose of carrying out the provisions of this Ordinance there shall be constituted a Building Authority consisting of a Chairman and Vice-Chairman, one of whom shall be the Chief Engineer, Public Works Department, or such person as the Chief Engineer may authorise to represent him as a member of the Authority and three other members appointed by the Governor.

Constitution of Authority.
15/1970.

(2) The Vice-Chairman shall act as Chairman of any meeting of the Authority when the Chairman is absent and in the absence of both the Chairman and Vice-Chairman from any meeting of the Authority the members of the Authority present at such meeting may appoint one from among themselves to act as Chairman for the meeting.

(3) The appointment of any member of the Authority may be terminated at any time by the Governor.

(4) The Authority may regulate their own procedure subject to the provision of this Ordinance.

(5) A quorum of the Authority shall be three members, and the Authority may act notwithstanding any vacancy in their numbers.

(6) The Chairman shall have an original vote and in the case of an equal division of votes on any question before the Authority he shall have a second or casting vote.

(7) The Administrative Secretary in the Ministry for Works or a member of his staff nominated by him shall be the clerk to the Authority.

Delegation of
powers by
Authority
2/1959.

5. (1) The Authority may, and shall if so required by the Governor, delegate by writing under the hand of its chairman to any person holding office in the Territory as a Road Warden any or all of the powers conferred on it by this Ordinance:

Provided that -

(a) in respect of any place or area prescribed by the Governor in Council under the provisions of subsection (1) of section 3, any power so delegated shall be exercisable by the person to whom it is delegated only within such prescribed place or area or part thereof as shall be specified in the delegation;

(b) in respect of any part of the Territory not being a place or area prescribed by the Governor in Council, any power so delegated shall be exercisable by the person to whom it is delegated only within such part of the Territory as shall be specified in the delegation;

(c) the Authority shall have and exercise general powers of supervision over the acts by this Ordinance authorised of every person to whom a delegation is made and may give such directions and make such orders for the due compliance therewith as may from time to time seem fit.

(2) A delegation under this section may be revoked by the Authority with the approval of the Governor.

Notice to build,
reconstruct, add to,
alter or remove a
building within a
prescribed area.

6. (1) Every person intending to erect a new building, or to reconstruct, add to, alter or remove a building within any prescribed area shall, before beginning to execute any work in connection therewith, give to the Authority by delivery thereof in writing to the clerk -

(a) a notice of such intention;

(b) a statement of particulars of the new building or buildings including a simple plan of the building or buildings which it is proposed to build, rebuild, add to, remove or alter showing that the same complies in every

material particular with the requirements of this Ordinance and disclosing-

- (i) position, form and dimensions,
- (ii) building material,
- (iii) distance from road,
- (iv) distance from adjoining buildings,
- (v) purpose for which building is intended,
- (vi) sanitary arrangements if to be used as dwelling,
- (vii) water-storage facilities;

(c) a statement that adjacent property owners have been notified of the intention to build, rebuild, add or, remove or alter;

(d) in the case of the removal of any building a statement of particulars of the building and of the land to which it is intended to remove such building.

(2) The provisions of subsection (1) shall not apply where the work consists solely of-

(a) the repair of an existing building by the replacement of existing components of the building with new components of the same size, appearance and materials as the replaced components; or

(b) the alteration of an existing building in a minor degree by a work which does not change the structural appearance thereof.

(3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ninety-six dollars. 2/1959.

7. (1) Every person intending to erect a new building or to reconstruct, add to, alter or remove a building on land adjoining a public road in any part of the Territory, not being a prescribed area, shall, before beginning to execute any work in connection therewith, give to the Authority by delivery thereof in writing to the clerk a notice of such intention including a statement of particulars of the new building or buildings which it is proposed to erect, build, rebuild, add to, remove or alter disclosing-

Notice to build, reconstruct, add to, alter or remove a building in places other than prescribed areas. 2/1959.

- (i) position, form and dimensions,
- (ii) building material,

(iii) distance from road,

(iv) distance from adjoining buildings.

(2) The provisions of subsection (1) shall not apply where the work consists solely of-

(a) the repair of an existing building by the replacement of existing components of the building with new components of the same size, appearance and materials as the replaced components; or

(b) the alteration of an existing building in a minor degree by a work which does not change the structural appearance thereof.

(3) For the purpose of this section the expression-

(a) "land adjoining a public road" means any land lying within ten yards from such public road;

(b) "building" does not include the erection of a wire or wooden fence.

2/1959.

(4) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

Signification of approval or disapproval of Authority.
2/1959.
16/1969.
15/1970.

8. (1) The clerk shall-

(a) within ten days of the receipt of the notice, plans and statements mentioned in sections 6 and 7 acknowledge in writing receipt of the same; and

(b) within sixty days of receipt of the said notice, plans and statements signify in writing addressed to the person giving such notice (hereinafter in this section termed the "applicant") the Authority's approval or disapproval of the work intended to be executed:

Provided that the Authority shall be deemed to have given approval to the applicant in any case where notice of disapproval shall not have been signified to the applicant within the time specified in this section.

(2) When in any case the Authority shall disapprove of the work intended to be executed, the clerk shall state in the notice of disapproval to the applicant the reasons for such disapproval and shall specify what alterations, if any, in the proposals would make them acceptable to the Authority.

(3) Any person aggrieved by any decision of the Authority under this section may, within thirty days after the receipt of the notice from the clerk, apply to the Governor in Council to reverse the decision of the Authority and the Governor in Council may reverse or confirm such decision.

(4) As soon as the Authority has given approval, it shall be lawful for the applicant to proceed with and execute any work so approved:

Provided that in any case where an applicant does not within a period of one year from the date he is notified of the approval of the Authority commence the execution of the work so approved, the said approval shall be regarded as rescinded but without prejudice to the right of the applicant to seek approval of the Authority again.

(5) A notice or other document required or permitted by this section to be given or served on any person may be given to or served on such person personally, or may be posted as a pre-paid registered letter addressed to such person at his usual abode or last known place of abode or business.

9. (1) No house or building shall be constructed or begun to be constructed, and no house or building shall be extended or begun to be extended in such manner that the external wall or front of any such house or building, or if there be a forecourt or other space left in front of any such house or building the external fence or boundary of such forecourt or other space, shall be at a distance less than the prescribed distance from the centre of the roadway of any road, street, lane or way without the consent in writing of the Authority:

At what distance from centre of roadway houses are to be built and new buildings.
16/196.

Provided always that the Authority may, in any case, where for special reason it thinks fit so to do, consent to the construction, formation or extension of any house, building, forecourt or space, at a distance less than the prescribed distance from the centre of the roadway of any such road, street, lane or way and at such distance from the centre of such roadway and subject to such conditions and terms (if any) as it thinks proper to sanction.

(2) All new buildings, other than temporary buildings built in accordance with this Ordinance, shall, subject to the provisions of this Ordinance, be built in accordance with regulations made under section 19.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two hundred dollars.

Notice to set
back building.
16/1969.

10. In every case where any such house, building, forecourt or space, is constructed, formed or extended, or is begun to be constructed, formed or extended, in contravention of the provisions of section 9, at a distance from the centre of the roadway of any such road, street, lane or way, as aforesaid less than the prescribed distance, or than such other distance as may have been sanctioned by the Authority, or contrary to the conditions and terms (if any) subject to which such sanction was obtained, the Authority may serve a notice upon the owner or occupier of the said house, building, forecourt or space, or upon the builder or person engaged in constructing, forming or extending the same, requiring him to comply with the provisions of the said section, and to cause such house, building, or forecourt or space or any part thereof, to be set back so that the external wall of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, street, lane or way as aforesaid, or at such distance and according to such conditions and terms (if any) as the Authority may have sanctioned.

Power to order
alteration or
demolition of
dilapidated
building.

11. (1) Where any building is in the opinion of the Authority in a dilapidated condition or in such state of disrepair as to be likely to endanger life or property, the Authority may by notice in writing order the owner or occupier or person in charge thereof to alter, repair or demolish the said building within six months:

Provided that if the owner or occupier or person in charge of the building is aggrieved by such order he may appeal to the Governor in Council to cancel or modify the order and the decision of the Governor in Council thereon shall be final.

(2) If the owner or occupier or person in charge of the building fails to comply with the terms of an order of the Authority of which notice has been served on him or, in the case of an appeal, the decision of the Governor in Council, within the time specified in the notice or such further time, if any, as may be allowed by the Governor in Council, any person authorised in writing by the Authority may enter upon the

premises where the building is situate and carry out the necessary work and charge the cost thereof to the owner:

Provided that where the owner or occupier or person in charge thereof is through reasons of poverty unable to accomplish the work so ordered, the Authority shall bear the cost of such work.

(3) Except as provided in this section all expenses incurred under this section in carrying out the order of the Authority shall be deemed to be a debt due from such owner, occupier or person in charge of the building to the Authority and shall be recoverable on its behalf in the same way as an ordinary civil debt:

Provided that where any building has been demolished the materials obtained from the demolition thereof may be sold and the proceeds of sale paid to the owner of the building after deducting therefrom the expenses incidental to the demolition, removal and sale.

12. Every person who shall erect, or begin to erect or re-erect, or extend, or cause to procure the erection or extension of any building or any part thereof, without previously obtaining the written approval of the Authority or in case of dispute, of the Governor in Council or otherwise than in conformity with such approval; and every builder or other person who shall in the erection, re-erection or extension of any such building or part thereof deviate from the plan approved by the Authority shall be guilty of an offence against this Ordinance, and liable to a penalty not exceeding two hundred dollars, besides being ordered by the Court to take down the said building or part thereof or extension thereto, or to alter the same in such way as the Authority shall direct, so as to make it in conformity with the approval of the Authority or the Governor in Council.

Unauthorised
building.
16/1969.

13. (1) Where any builder is desirous of erecting store houses on any wharf property, any pier, jetty, or any building thereon, or any boathouse, or any shed or latrine or water closet, to which the provisions of this Ordinance are in the opinion of the Authority inappropriate, having regard to the special purpose for which the building or structure is designed or adapted to be used, he shall make an application to the Authority, accompanied by a plan of the proposed building or structure, with such particulars of the construction thereof as may be required by the Authority.

Buildings to
which Ordinance
inapplicable.
16/1969.

(2) The Authority, if satisfied with such plans or particulars shall signify their approval of the same in writing, and thereupon the building may be constructed according to such plans and particulars.

(3) The Authority may, for the purpose of regulating the procedure in relation to such application, from time to time make, revoke and amend such general rules as they think fit, as to the time and manner of making such applications, and as to the plans to be presented and any other matter or thing connected therewith.

(4) A copy of any plans and particulars approved by the Authority shall be furnished to the Chief Engineer, Public Works Department, and it shall be his duty to ascertain that the work and materials are built in accordance with the said plan and particulars.

Temporary
buildings.
16/1969.

14. Where an application is made to the Authority by any person stating his desire to erect in any place a building or structure of a temporary character to which the general provisions of this Ordinance are inapplicable, or in the opinion of the Authority inappropriate, the Authority may, if they approve of the plan and particulars of the building or structure, grant permission for the erection of the same, and shall limit the period during which it shall be allowed to remain in that place, and may make their approval subject to such conditions as they think fit.

Removal of
temporary
buildings.
16/1969.

15. If at the expiration of the period limited by the Authority, the building or structure of a temporary character be not removed, the Authority shall serve a notice on the occupier or owner of such building or structure, requiring him to remove it within a reasonable time specified in the notice; and if the owner or occupier fails to remove such building or structure within the time named, the Authority shall, notwithstanding the imposition and the recovery of any penalty, cause complaint thereof to be made before a Magistrate who shall thereupon cause a summons to be issued, requiring such occupier or owner to appear to answer such complaint and, if the said complaint is proved to the satisfaction of the Magistrate, the Magistrate shall make an order in writing authorising the Authority to enter upon the land upon which such building is situated, and to remove or take down the same, and do whatever maybe necessary for such purpose, and also to remove the materials of which the same

is composed to a convenient place; and (unless the expenses of the Authority be paid to them within fourteen days after such removal) to sell the same as they think proper.

16. In case any owner, occupier or person, during twenty-eight days after the service of any notice under this Ordinance, neglects or refuses to comply with the requirements of such notice, or after the expiration of such period fails to carry out or complete the works necessary for such compliance, with all reasonable despatch or in case any owner or occupier, fails, for twenty-eight days after the expiration of the period mentioned in his permission under this Ordinance, to remove his building or structures, each of such persons shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding twenty dollars, and to a further penalty of not less than five dollars for each day during which such default continues after the expiration of the time limited by such notice.

Penalty for non-compliance with this Ordinance or notice thereunder. 16/1969.

17. (1) The Authority may, before a decision it has made has been acted on, revoke or alter the decision unless the applicant has misled the Authority in the making of the decision in which case the Authority may revoke or alter its decision after the applicant has started to act on it but not after work has commenced beyond the stage of preparation of a site for erection of a building.

Revocation or alteration of decisions. 3/1983.

(2) Where the Authority revokes or alters a decision it has made under this Ordinance, it shall cause a notice of the revocation or alteration to be served as soon as possible on every person affected by the revocation or alteration.

18. No liability attaches to any member of the Authority or to any person acting in pursuance of a decision of the Authority under this Ordinance.

Exemption from liability. 3/1983.

19. (1) The Authority may from time to time make regulations prescribing the standards of safety in building operations and a building code and they may also make further regulations as they may deem expedient for bringing into effect the objects and powers of this Ordinance, with respect to all or any of the following matters, that is to say-

Regulations. 16/1969.

(a) the minimum distance between buildings and the centre of the roadway;

(b) the minimum size of buildings intended for human habitation and of the several apartments in such buildings;

(c) the minimum distance between buildings (whether on the same or separate holdings) intended for human habitation;

(d) the minimum area of holdings on which various classes of buildings may be erected and the proportion of the area of holdings which each class of building may occupy;

(e) prescribing the giving by persons proposing to erect buildings to owners and occupiers of adjoining sites notice of intention to submit plans for any particular class of building and the posting of service of each notice;

(f) prescribing the terms upon and manner in which owners and occupiers of adjoining or neighbouring holdings may oppose the approval of plans for any particular class of building and be heard in support of their objections;

(g) the plans, elevations and sections for new buildings;

(h) the forms of notice and other documents to be used for the purpose of this Ordinance and other like matters of procedure;

(i) foundations and sites of buildings and other erections;

(j) the mode in which and the material with which such foundations and sites are to be made, excavated, filled up, prepared, enclosed, protected and completed for securing stability and for purposes of health;

(k) the thickness and the description and quality of the substance of which walls may be constructed for securing stability for the prevention of fires and for the purposes of health;

(l) the size, description, strength, resistant and other qualities, proportions of ingredients, methods of manufacture and treatment and erection of all materials used for the purposes of strength or stability in building;

(m) the materials which may be used for the panelling of wooden framed houses, and the method of

securing such materials to the framework, and the material covering of such framework;

(n) the dimensions of joists of floor, the protection of ironwork used in the construction of buildings from the action of fire;

(o) the description and quality of the substances of which plastering may be made;

(p) the mode in which and the materials with which any excavation made within a line drawn outside the externals of a building or other erection;

(q) the regulation of lamps, signs and other structures overhanging the public way;

(r) the methods and materials to be employed in the installation of water, gas, electric light, telephones and electric bells in buildings;

(s) the duties of the officer, servant or agent in relation to any regulations made in pursuance of this section;

(t) the deposit with the Authority of any plans submitted for his certificate;

(u) the procedure to be followed by the tribunal of appeal, including the time of notice of appeal, the fees to be paid by applicants and other parties and the enforcement of the orders of that tribunal;

(v) the imposition for every offence committed against any regulation made under this Ordinance, of a penalty not exceeding one hundred dollars, and a daily penalty not exceeding ten dollars for every day during which such offence continues after conviction,

and the Authority may, from time to time, alter or amend such regulations or Building Code.

(2) All regulations made under this Ordinance shall be submitted for the approval and confirmation of the Governor in Council who shall have power to amend or alter the same and such regulations when approved or amended or altered and approved as aforesaid shall be published in the Gazette and when so published shall come into operation on such day being a day not earlier than 14 days after such publication as the Governor shall appoint by notice in the Gazette and shall have force and effect as if contained in this Ordinance.

(3) Copies of the regulations under this Ordinance shall be delivered by the Authority to any person applying for the same on payment of such sum as the Authority shall from time to time determine.

Authority's power
to buildings.
5/1967.

20. (1) Subject to the provisions of subsection (2), it shall be lawful for the Authority or any member thereof, or any person duly authorised in writing in that behalf by the Chairman of the Authority to enter upon any land or premises between the hours of 9 o'clock in the forenoon and five o'clock in the afternoon of any day (except Sundays and public holidays) for the purpose of-

(a) inspecting any building thereon which is in the process of being constructed, re-constructed, added to, altered or removed, or which is, in the opinion of the Authority in a dilapidated condition or in such a state of disrepair as to be likely to endanger life or property;

(b) exercising any other powers conferred by this Ordinance.

(2) In the exercise of any of the powers referred to in subsection (1), not less than 12 hours' notice shall be given to the owner, his agent or the occupier of the building concerned, unless such notice is waived by the said owner, agent or occupier:

Provided that no such notice shall be required in the case of the inspection of a building under construction.

(3) Any person who assaults, threatens or obstructs any member of the Authority or any duly authorised person in the exercise of the powers provided under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding sixty dollars or to imprisonment for a term not exceeding three months.

Legal proceedings.
16/1969.

21. The Authority may with the approval of the Governor in Council take legal proceedings and appear before a Magistrate by the clerk or by any person authorised generally or in *respect of* any special proceedings so to appear by resolution of the Authority.

Building adjacent
to foreshore.
16/1969.

22. No building shall be erected adjacent to the foreshore without the prior approval of the Governor in Council with respect to distance and elevation from and above the landward limits of the foreshore.

23. Any person acting contrary to, or failing to comply with any of the provisions of this Ordinance or the regulations made under section 19, shall be guilty of an offence against this Ordinance and in any case in which no penalty is provided for any person so offending, he shall be liable to a penalty not exceeding fifty dollars, and to a daily penalty not exceeding ten dollars for every day during which such offence continues after conviction.

Penalties.
16/1969.

