



Offices, Shops and Railway Premises Act 1963

1963 CHAPTER 41

*Special Provisions with respect to Buildings whereof Parts are Office, &c,
Premises and with respect to certain contiguous Fuel Storage Premises*

42 Provisions with respect to buildings in single ownership

- (1) A building to which this section applies is one all parts of which are in the same ownership and a part of which consists of premises to which this Act applies, being premises held under a lease or an agreement for a lease or under a licence ; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.
- (2) The following provisions shall have effect for securing the cleanliness of common parts of buildings to which this section applies, that is to say:—
 - (a) every common part of a building to which this section applies, and all furniture, furnishings and fittings in such a part, shall be kept in a clean state;
 - (b) the Minister may by regulations made as respects common parts of buildings to which this section applies, or any class of such common parts, require such steps as may be prescribed to be taken for securing the cleanliness of the parts to which the regulations apply, but nothing in regulations under this paragraph shall be construed as being in derogation of the general obligation imposed by the foregoing paragraph.
- (3) The following provisions shall have effect for securing the illumination of common parts of buildings to which this section applies, that is to say:—
 - (a) effective provision shall be made for securing and maintaining, in every such part of a common part of a building to which this section applies as the following, namely, a part in which persons are working or passing, suitable and sufficient lighting, whether natural or artificial;
 - (b) the Minister may by regulations made as respects common parts of buildings to which this section applies, or any class of such common parts, prescribe a

standard of lighting conformity to which shall be obligatory and a sufficient compliance with the foregoing paragraph;

- (c) all glazed windows and skylights used for the lighting of a part of a common part of a building to which this section applies in which the securing of lighting is required by this subsection to be provided for shall, so far as reasonably practicable, be kept clean on both the inner and outer surfaces and free from obstruction;
- (d) all apparatus installed in a common part of a building to which this section applies for producing artificial lighting in a part of that part in which the securing of lighting is required by this subsection to be provided for shall be properly maintained;

but paragraph (c) above shall not affect the whitewashing or shading of windows or skylights for the purpose of mitigating heat or glare.

- (4) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2).
- (5) In the event of a contravention, in relation to a common part of a building to which this section applies, of subsection (2) or (3) of this section or of regulations under either of those subsections, and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by the last foregoing subsection, the owner of the building shall be guilty of an offence.
- (6) For a contravention, in relation to premises comprised in a building to which this section applies, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the owner of the building shall be responsible instead of the occupier of the premises.
- (7) For a contravention, in relation to premises comprised in a building to which this section applies, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the owner of the building shall be responsible instead of the occupier of the premises.
- (8) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the owner of the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.
- (9) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act

with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on the owner of the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of either or both of the others.

- (10) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together with notice of the place, date and time fixed for the hearing of it shall be served on the owner of the building and he shall thereafter be a party to the proceedings.
- (11) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions, references to the premises shall be construed as including references to a part of the building that is used for the purposes of, but is not comprised in, the premises, and references to the owner of the building shall be substituted for references to the occupier of the premises.
- (12) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it and section 29(6) of this Act shall apply to the copy instead of to the certificate.
- (13) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this- Act (other than a contravention consisting in a failure to keep means of escape free from obstruction, being a contravention caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, the owner of the building shall be responsible instead of the occupier of the premises.
- (14) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid; and for a contravention, in relation to premises comprised in such a building, of that section, the owner of the building shall be responsible instead of the occupier of the premises.
- (15) If, on a complaint (or, in Scotland, a summary application) made by the owner of a building to which this section applies to an appropriate court, the court is satisfied that the occupier of any part of the building prevents the owner from making, to premises to which this Act applies which are comprised in the building, any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or any alterations specified in a notice served on him under section 30 (4) or 35 (2) of this Act, or prevents the carrying out, in pursuance of, or of a requirement imposed under, section 34 (2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that occupier to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection " appropriate court" means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

- (16) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies shall furnish to the owner of the building any information in the possession of the occupier the possession of which by the owner is requisite to enable him to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

43 Provisions with respect to buildings plurally owned

- (1) A building to which this section applies is one of which different parts are owned by different persons and of which a part consists of premises to which this Act applies; and in this section a reference to a common part of a building to which this section applies shall be taken to refer to a part of the building that is used for the purposes of, but is not comprised in, a part of the building that consists of premises to which this Act applies.
- (2) Subsections (2) and (3) of the last foregoing section shall, with the substitution, for references to buildings to which that section applies and to common parts thereof, of references respectively to buildings to which this section applies and to common parts thereof, have effect for securing the cleanliness and illumination of common parts of buildings to which this section applies as they have effect for securing the cleanliness and illumination of common parts of buildings to which that section applies ; and in the event of a contravention, in relation to a common part of a building to which this section applies, of either of those subsections or of regulations under either of them, the owner of the part (or, if there are more owners than one of the part, each of them) shall be guilty of an offence.
- (3) Section 16(1) of this Act shall apply to floors, stairs, steps, passages and gangways comprised in, or constituting, a common part of a building to which this section applies as it applies to floors, stairs, steps, passages and gangways in premises to which this Act applies, section 16(2) of this Act shall apply to a staircase comprised in, or constituting, a common part of such a building as it applies to such a staircase as is mentioned in that subsection, and section 16(3) of this Act shall apply to an open side of such a staircase as is first-mentioned in this subsection as it applies to an open side of such a staircase as is mentioned in the said subsection (2); and in the event of a contravention, in relation to any thing constituting, or comprised in, any such common part, of section 16 of this Act as applied by this subsection, the owner of the part (or if there are more owners than one of the part, each of them) shall be guilty of an offence.
- (4) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in the premises and by other persons), the first-mentioned person shall be responsible instead of the occupier of the premises.
- (5) For a contravention, in relation to premises consisting of part of any such part of a building to which this section applies as is owned by one of the persons who between

them own the building (being premises held under a lease or an agreement for a lease or under a licence), of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning or drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being facilities provided for use jointly by the persons employed to work in the premises and by other persons) the first-mentioned person shall be responsible instead of the occupier of the premises.

- (6) Section 22 of this Act (except so far as relating to operations or processes) shall, with the substitution, for references to the occupier of the premises, of references to the persons who between them own the building, have effect in relation to a common part of a building to which this section applies, and to machinery, plant, equipment and appliances used in such a part, as it has effect in relation to premises to which this Act applies, and to machinery, plant, equipment and appliances used in such premises.
- (7) Where the occupier of premises comprised in a building in England or Wales to which this section applies is the defendant to a complaint made under section 22 of this Act with respect to the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the summons issued in consequence of the making of the complaint together with a notice stating that he will be entitled to appear at the hearing of the complaint shall be served on each of the persons who between them own the building in like manner as a summons falling to be served on him is required to be served and he shall, if he appears at the hearing, be deemed to be a defendant to the complaint; and the powers of the court under section 55(1) of the Magistrates' Courts Act 1952 shall be deemed to include power, whatever adjudication the court makes on the complaint, to order any of the parties to pay the whole or part of the costs of all or any of the others.
- (8) Where the occupier of premises comprised in a building in Scotland to which this section applies is a defender in a summary application made under section 22 of this Act in respect of the premises on the ground specified in subsection (1)(a) or (b) of that section, a copy of the application together with notice of the place, date and time fixed for the hearing of it shall be served on each of the persons who between them own the building and they shall thereafter be parties to the proceedings.
- (9) In the application, to premises comprised in a building to which this section applies, of the provisions of this Act with respect to fire precautions—
 - (a) references to the premises shall be construed as including references to any part of the building used for the purposes of, but not comprised in, the premises ;
 - (b) for references to the occupier of the premises (except the reference in section 29(5)) there shall be substituted references to the persons who between them own the building; and
 - (c) for the reference in the said section 29(5) to the occupier of the premises there shall be substituted a reference to the person who owns the part of the building of which the premises consist.
- (10) A copy of any fire certificate issued with respect to any premises which, at the time of the issue of the certificate, are comprised in a building to which this section applies, shall be sent to the occupier of the premises by the authority who issued it, and section 29(6) of this Act shall apply to the copy instead of to the certificate.
- (11) For a contravention, in relation to premises comprised in a building to which this section applies, of section 28 of this Act, for a contravention, in relation to such premises, of section 30(1) of this Act (other than a contravention consisting in a failure

to keep means of escape free from obstruction, being a failure caused by the use of the premises), and for a contravention, in relation to such premises, of section 33(3) of this Act or of regulations under section 35(1) thereof, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.

- (12) Section 34(1) of this Act shall, in its application to premises comprised in a building to which this section applies, have effect as if it required the warning referred to therein to be perceptible in every part of the building used for the purposes of, but not comprised in, the premises, in every other set of premises comprised in the building which are premises to which this Act applies, and in every part of the building used for the purposes of, but not comprised in, any other such set of premises as aforesaid; and for a contravention, in relation to premises comprised in such a building, of that section, each of the persons who between them own the building shall be responsible instead of the occupier of the premises.
- (13) If, on a complaint (or, in Scotland, a summary application) made to an appropriate court by one of the persons who, between them, own a building to which this section applies, the court is satisfied that another of those persons or any other person having an estate or interest in the building prevents the making, to premises to which this Act applies which are comprised in the building, of any alterations the making of which is requisite in order to permit of a fire certificate's being issued with respect to the premises or of any alterations specified in a notice served on those persons under section 30(4) or 35(2) of this Act, or prevents the carrying out in pursuance of, or of a requirement imposed under, section 34(2) of this Act, of a test or examination of means of giving warning in case of fire, the court may order that other person to permit the making of the alterations or, as the case may be, the carrying out of the test or examination.

In this subsection " appropriate court " means, as regards a building in England or Wales, a magistrates' court acting for the petty sessions area in which the building is situate and, as regards a building in Scotland, the sheriff within whose jurisdiction it is situate.

- (14) The occupier of any premises to which this Act applies which are comprised in a building to which this section applies shall furnish to each of the persons who between them own the building any information in the possession of the occupier the possession of which by the persons aforesaid is requisite to enable them to comply, in the case of the premises, with section 30(3) of this Act, and if the occupier fails so to do he shall be guilty of an offence.

44 Provisions with respect to contiguous fuel storage premises in single ownership

Where two sets or more of fuel storage premises any of which is held under a lease or an agreement for a lease or under a licence are established on a parcel of land all parts of which are in the same ownership, then—

- (a) for a contravention, in relation to any of those sets of premises, of section 9 of this Act (other than a contravention consisting in a failure to keep clean conveniences provided in pursuance of that section, not being conveniences provided for use jointly by the persons employed to work in that set of premises and by other persons); and
- (b) for a contravention, in relation to any of those sets of premises, of section 10 of this Act (other than a contravention consisting in a failure to provide means of cleaning and drying or a failure to keep clean and in orderly condition the place where facilities are provided in pursuance of that section, not being

facilities provided for use jointly by the persons employed to work in that set of premises and by other persons);
the owner of that set of premises shall be responsible instead of the occupier thereof.