



Towns Improvement Clauses Act 1847

1847 CHAPTER 34

Ruinous or dangerous Buildings

And with respect to ruinous or dangerous Buildings, be it enacted as follows

LXXV Ruinous or dangerous Buildings to be taken down or secured by Owners, &c. If Owner, &c. neglect to repair, Commissioners may cause the same to be done, charging Owner, &c. with the Expences.

If any Building or Wall, or any Thing affixed thereon, within the Limits of the special Act, be deemed by the Surveyor of the Commissioners to be in a ruinous State, and dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Surveyor shall immediately cause a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he be known and resident within the said Limits, and shall also Cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or otherwise to be given to the Occupier thereof, if any, requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case shall require ; and if such Owner or Occupier do riot begin to repair, take down, or secure such Building, Wall, Or other Thing within the Space of Three Days after any such Notice has been so given or put up as aforesaid, and complete such Repairs, or taking down or securing, as speedily as the Nature of the Case will admit, the said Surveyor may make Complaint thereof before Two Justices, and it shall be lawful for such Justices to order the Owner, or in his Default the Occupier (if any), of such Building, Wall, or other Thing, to take down, rebuild, repair, or otherwise secure, to the Satisfaction of such Surveyor, the same, or such Part thereof as appears to them to be in a dangerous State within a Time to be fixed by such Justices; and in case the same be pot taken down, repaired, rebuilt, or otherwise secured Within the Time so limited; or if no Owner or Occupier can be found on whom to Serve such Order, the Commissioners shall with all convenient Speed cause all or So much of such Building, Wall, or other Thing as shall be in a ruinous Condition, and dangerous as aforesaid, to be 4aken down, repaired, rebuilt, or otherwise secured in such Manner as shall be requisite ; and all the Expences of putting up every such Fence, and of taking down, repairing, rebuilding, or Securing such Building, Wall, or other Thing, shall be paid by the Owner thereof.

LXXVI The Expences to be levied by Distress on the Owner.

If such Owner can be found within the Limits of the special Act, and if, on Demand of the Expences aforesaid, he neglect or refuse to pay the same, then such Expences may be levied by Distress, and any Justice may issue his Warrant accordingly.

LXXVII If Owner cannot be found, Commissioners may take the House or Ground, making Compensation provided by 7 & 8 Vict. c.18.

If such Owner cannot be found within the said Limits, or sufficient Distress of his Goods and Chattels within the said Limits cannot be made, the Commissioners, after giving Twenty-eight Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, or on the Land whereon such Building stood, may take such Building or Land, provided that such Expences be not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building or Land in the Manner provided by the Lands Clauses Consolidation Act, 1845, in the Case of Lands taken otherwise than with the Consent of the Owners and Occupiers thereof, and the Commissioners shall be entitled to deduct out of such Compensation the Amount of the Expences aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land for the Purposes of this Act.

LXXVIII Commissioners may sell the Materials, restoring to the Owner Overplus arising from the Sale.

If any such House or Building as aforesaid, or any Part of the same, be pulled down by virtue of the Powers aforesaid, the Commissioners may sell the Materials thereof, or so much of the same as shall be pulled down, and apply the Proceeds of such Sale in Payment of the Expences incurred in respect of such House or Building; and the Commissioners shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand; nevertheless, the Commissioners, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expences as may remain due after the Application of the Proceeds of such Sale as are hereinbefore given to them for compelling the Payment of the whole of the said Expences.