



CHAPTER ccxiii.

An Act to consolidate and amend the Enactments relating to Streets and Buildings in London. A.D. 1894.

[25th August 1894.]

WHEREAS enactments relative to streets and buildings in the administrative county of London are contained in the following Acts viz. :—

The Metropolitan Building Act 1844	Public Act.
The Metropolis Management Act 1855	Public Act.
The Metropolitan Building Act 1855	Public Act.
The Metropolitan Building Act (Amendment) 1860	Public Act.
The Metropolitan Building Amendment Act 1861	Public Act.
The Metropolis Management Amendment Act 1862	Public Act.
The Metropolitan Building Act 1869	Public Act.
The Metropolitan Building Act 1871	Public Act.
The Metropolis Management and Building Acts Amendment Act 1878	Public Act.
The Metropolis Management and Building Acts (Amendment) Act 1882	Public Act.
The London Council (General Powers) Act 1890	Local and Personal Act.
The London Sky Signs Act 1891	Local and Personal Act.
The London County Council (General Powers) Act 1893	Local and Personal Act.

And whereas the existing provisions of the said Acts are complicated and in some respects doubtful and are insufficient to secure the construction and maintenance of streets and buildings in a satisfactory manner :

And whereas it will conduce to the public convenience that the said Acts should be repealed to the extent set forth in this Act and that further provisions should be made and powers conferred in

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order to secure a proper width and direction of streets the sound construction of buildings the diminution of the danger arising from fire the securing of more light air and space round buildings and generally with respect to the control and regulation of streets and buildings and otherwise as in this Act set forth :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the London Building Act 1894.

Division of Act into Parts.

2. This Act shall be divided into Parts as follows :—

Part I.—Introductory.

Part II.—Formation and Widening of Streets.

Part III.—Lines of Building Frontage.

Part IV.—Naming and Numbering of Streets.

Part V.—Open Spaces about Buildings and Height of Buildings.

Part VI.—Construction of Buildings.

Part VII.—Special and Temporary Buildings and wooden Structures.

Part VIII.—Rights of Building and Adjoining Owners.

Part IX.—Dangerous and Neglected Structures.

Part X.—Dangerous and Noxious Businesses.

Part XI.—Dwelling-houses on Low-lying Land.

Part XII.—Sky Signs.

Part XIII.—Superintending Architect and District Surveyors.

Part XIV.—Byelaws.

Part XV.—Legal Proceedings.

Part XVI.—Miscellaneous.

Commencement of Act.

3. This Act shall come into operation on and shall take effect from the first day of January next after the passing thereof which date is in this Act referred to as the commencement of this Act.

Extent of Act.

4. This Act shall save so far as is otherwise provided extend to London and no further :

Provided always that in addition to any exemption referring to the Commissioners of Sewers contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect

any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers by or under any Act of Parliament and existing immediately before the passing of this Act notwithstanding the repeal of the Acts specified in the Fourth Schedule hereto. A.D. 1894

5. In this Act unless the context otherwise requires —

Definitions

(1) The expression "street" means and includes any highway and any road bridge lane mews footway square court alley passage whether a thoroughfare or not and a part of any such highway road bridge lane mews footway square court alley or passage.

(2) The expression "way" includes any public road way or footpath not being a street and any private road way or footpath which it is proposed to convert into a highway or to form lay out or adapt as a street.

(3) The expression "roadway" in relation to any street or way means and includes the whole space open for traffic whether carriage traffic and foot traffic or foot traffic only.

(4) The term "centre of the roadway" means—

(a) In relation to any street or way of which the centre of the roadway has been ascertained or defined by the Council or the superintending architect previously to or after the commencement of this Act the centre of the roadway as so ascertained or defined;

(b) In relation to any street or way of which the centre of the roadway shall not have been ascertained or defined by the Council or the superintending architect where the roadway opposite the site of the building in question shall since the twenty-second day of July one thousand eight hundred and seventy-eight have been widened the centre of the roadway as existing immediately before the date of such widening or where it shall not have been so widened the actual centre of the existing roadway:

For the purpose of any enactment in this Act referring to the centre of the roadway the superintending architect may at any time define the line constituting the centre of the roadway in the case of a street formed or laid out after the eighteenth day of August one thousand eight hundred and ninety and the line so defined shall continue to be deemed the centre for such purpose notwithstanding that the actual centre of the roadway may have become altered by reason of the roadway having been widened either on one side only or on both sides to an unequal extent.

(3) In case the person intending to erect form or extend any such building structure forecourt or space shall be dissatisfied with the determination of the Council that the prescribed distance shall be greater than twenty feet from the centre of the roadway he may appeal to the tribunal of appeal against such determination of the Council.

(4) The Council may in any case where they think it expedient consent to the erection formation or extension of any building structure forecourt or space at a distance less than the prescribed distance from the centre of the roadway of any such street or way and at such distance from the centre of such roadway and subject to such conditions and terms (if any) as they may think proper to sanction Provided that the giving of such consent by the Council shall not in any way affect any rights of the owners of adjoining land Before giving such consent the Council shall communicate to the local authority their intention to give the same Any person dissatisfied with the determination of the Council under this subsection may appeal to the tribunal of appeal.

(5) Provided that where any person intends to alter or re-erect a building or structure existing either at the commencement of this Act or at any time within seven years previously and which shall not be or shall not have been in conformity with the provisions of this section relating to new buildings and structures such person may cause to be prepared plans showing the extent of such building or structure (or in the event of such building or structure having ceased to exist before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and the extent of the forecourt or other open space (if any) between any external wall of such building or structure and the roadway and may cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans Thereupon it shall be lawful for such person to alter or re-erect such building or structure but so that no land within the prescribed distance shall be occupied by the re-erected building or structure or the forecourt or such other open space as aforesaid (if any) except that which was occupied within the prescribed distance by the previously existing building structure forecourt or open space :

If such person should fail to submit such plans to the district surveyor or the district surveyor or the tribunal of appeal should refuse to certify the accuracy of the same such person shall in altering or rebuilding the said building or structure be bound by

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the preceding provisions of this section in all respects as though no building or structure had previously existed upon the land within the period aforesaid. Provided always that no dwelling-house to be inhabited or adapted to be inhabited by persons of the working class shall without the consent of the Council be erected or re-erected within the prescribed distance to a height exceeding the distance of the front or nearest external wall of such building from the opposite side of such street and that no building or structure shall be converted into such dwelling-house within the prescribed distance so as to exceed such height:

Provided that this section shall not prevent the re-erection of any such dwelling-house erected previously to the passing of this Act by a local authority.

(6) Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Notice to
comply with
preceding
section.

14. In every case where any new building or new structure is erected at a distance in any direction from the centre of the roadway of any street or way less than the distance permitted under this Part of this Act or contrary to the conditions and terms (if any) subject to which the Council or the tribunal of appeal has sanctioned the erection of such building the Council may serve a notice upon the owner or occupier of the said building or structure or upon the builder requiring him to cause such building structure forecourt or space or any part thereof to be set back so that every part of any external wall of such building or structure or of the external fence or boundary of such forecourt or space shall be at a distance in every direction from the centre of the roadway of such street or way not less than the distance so permitted and shall be in accordance with such conditions and terms (if any) as the Council or the tribunal of appeal may have prescribed.

As to com-
pensation in
certain cases.

15. In any case where—

(1) The Council under this Part of this Act make it a condition of their sanction to—

(a) the formation or laying out of any street for carriage traffic over land which either at the commencement of this Act or at any time within seven years previously has or shall have been occupied by buildings or by market garden; or

(b) the adaptation or use for carriage traffic of any street or way not previously so adapted or used

that the street or way shall be throughout or in any part of a greater width than forty feet; or

19. Whenever any applicant under Part II. of this Act for the sanction of the Council to the formation or laying out of a street or the adaptation of a street or way for carriage or foot traffic or for the certificate of a district surveyor is dissatisfied with the refusal or conditional grant of such sanction or with any condition imposed by the Council or with the refusal of such certificate as aforesaid he may appeal to the tribunal of appeal.

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Appeal.

20. Nothing in this Part of this Act shall extend or apply to any private road formed or laid out by a railway company and used as an approach to a station or station yard or as an approach to land used for railway purposes.

As to private roads laid out by a railway company.

21. Notwithstanding anything in this Act any buildings to be erected upon any lands now belonging to the School Board for London or over which they have powers of compulsory purchase or may acquire such powers in the present session of Parliament may be erected in accordance with the provisions of any Act in force immediately before the passing of this Act.

Exempting certain School Board buildings.

PART III.

LINES OF BUILDING FRONTAGE.

22.—(1) No building or structure shall without the consent in writing of the Council be erected beyond the general line of buildings in any street or part of a street place or row of houses in which the same is situate in case the distance of such line of buildings from the highway does not exceed fifty feet or within fifty feet of the highway when the distance of the line of buildings therefrom amounts to or exceeds fifty feet notwithstanding there being gardens or vacant spaces between the line of buildings and the highway. Such general line of buildings shall if required be defined by the superintending architect by a certificate such certificate to be issued within one month from the date of the application therefor.

Mode of proceeding with regard to buildings beyond line of street.

(2) This section shall not apply to any building or structure erected after the commencement of this Act upon land which either at the commencement of this Act or at any time within seven years previously has or shall have been lawfully occupied by a building or structure.

23.—(1) In case any building or structure which shall in any part thereof project beyond the general line of buildings in a street or beyond the front of the building wall or railing on either side thereof shall at any time be taken down to an extent exceeding one half of the cubical extent of such building or structure or shall be destroyed by fire or other casualty or demolished pulled down or

Buildings projecting beyond general line when taken down to be set back.

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removed from any other cause to the extent aforesaid it shall be lawful for the Council to require the same building or structure or any new building or structure proposed to be erected on the site or any part of the site thereof to be set back to such a line and in such a manner as the Council shall direct.

(2) The Council shall make compensation to the owner of such building for any damage and expenses which he may sustain and incur thereby and the amount of such compensation if not agreed between the Council and the parties concerned shall be recovered in a summary manner except where the amount of compensation claimed exceeds fifty pounds in which case the amount thereof shall be settled by arbitration according to the provisions contained in the Lands Clauses Acts which are applicable where questions of disputed compensation are authorised or required to be settled by arbitration and for that purpose those Acts so far as applicable shall be deemed to be incorporated with this Act. For the purpose of this section the expression "owner" has the same meaning as in the Lands Clauses Acts.

Notices of definition of general line.]

24. The superintending architect shall within fourteen days after the issue of the certificate defining the general line of buildings in any street or part of a street place or row of houses cause a notice of his certificate to be served on the local authority and on the owner of the building or land to which the certificate relates and on the owner of the houses in the same block or row within a distance not exceeding fifty yards on either side of the building or land to which the certificate relates or where there is no such block or row upon the owner of the adjoining land on either side of the building or land to which the certificate relates. Certificates made by the superintending architect under this Part of this Act shall be preserved by the Council and be open to inspection at all reasonable times by all persons desiring to inspect the same.

Appeal against certificate of architect as to general line.

25. The local authority or any person deeming himself aggrieved by the certificate of the superintending architect may appeal to the tribunal of appeal.

Conditions may be attached to consent to building in front of general line.

26. In giving their consent for the erection of any building or structure beyond the general line of buildings in any street or part of a street place or row of houses the Council may attach any conditions to such consent and such conditions may include any or all of the conditions following viz. :—

- (1) That land in front of the building or structure to such an extent as the Council may think proper shall be dedicated to and left open for the use of the public :
- (2) That the building or structure shall be used only for such purposes as may be specified in the consent or shall not be used

[57 & 58 Vict.]

(2) The Council de-

...determine that the prescribed distance from the roadway shall be greater than twenty feet ;
 ...able to pay to the owner of land or buildings
 ...reater width or such greater prescribed distance
 ... loss or injury (if any) sustained by him by
 ...he amount of such compensation if not agreed
 ...m the time of such condition being made or
 ...en arrived at may (unless the Council waive the condition
 or determination) be recovered in a summary manner except where
 the amount of compensation claimed exceeds fifty pounds in which
 case the amount thereof shall be settled by arbitration according
 to the provisions contained in the Lands Clauses Acts which are
 applicable where questions of disputed compensation are authorised
 or required to be settled by arbitration and for that purpose those
 Acts so far as applicable shall be deemed to be incorporated with
 this Act :

Provided always that within two months from the time of such condition or determination being made or arrived at if the amount of such compensation has not been settled before the expiration of such time it shall be lawful for the Council to waive such condition or determination. Provided also that if the Council waive such condition or determination they shall pay to the owner the reasonable costs charges and expenses incurred by him in consequence of such condition or determination and in connexion with the negotiations for the settlement of the amount of compensation :

For the purpose of this section the expression "owner" has the same meaning as in the Lands Clauses Acts.

16. Where after the commencement of this Act—

- (i) any new building or structure is erected or commenced in such manner that—
 - (a) any part of any external wall of any such building or structure ; or
 if there be between such external wall and the roadway any forecourt or other space—
 - (b) any part of the external fence or boundary of such forecourt or space
 is or will be in any direction distant from the centre of the roadway of any way (not being a highway) less than the prescribed distance or less than such other distance as may have been sanctioned by the Council or the tribunal of appeal ; or
- (ii) Any conditions or terms subject to which the sanction of the Council or the tribunal of appeal in relation to any such building structure forecourt or space was obtained have not been complied with ; or

As to erection of buildings at less than prescribed distance from centre of ways not being highways.

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(iii) The time during which such sanction was
has expired ;

the way shall not become a highway except sub-
provisions :—

(i) A written notice shall be served upon the Council of ~~the~~
proposal to make the way a public highway ;

(ii) The Council may at any time within two months after the
receipt of such notice serve a notice upon the owner of such
building structure forecourt or space or the builder requiring
him to cause the same or any part thereof to be set back so
that every part of any external wall of such building or struc-
ture or of the external fence or boundary of such forecourt or
space shall be in every direction at a distance not less than the
prescribed distance from the centre of the roadway of such way
or at such distance and according to such conditions and terms
(if any) as the Council or the tribunal of appeal may have
sanctioned and prescribed ;

(iii) Unless and until such first-mentioned notice has been given
to the Council and such last-mentioned notice (if any) has been
complied with the way shall not become a highway :

Provided that this section shall not affect the erection or extension
of any building or structure within the limits of any area which
may have been lawfully occupied by any building or structure at
any time within two years before the twenty-second day of July
one thousand eight hundred and seventy-eight or the erection or
extension of any building or structure lawfully in course of erection
or extension on the said twenty-second day of July.

Sanction to
construction
of new
buildings at
less than
prescribed
distance.

17. The Council may sanction the erection of any new building
or structure at any less distance than the prescribed distance from
the centre of the roadway of any way (not being a highway) to be
specified in such sanction or the continuance of any new building or
new structure erected at such less distance or the continuance
thereof for a limited time only to be specified in such sanction in
such cases and subject to such terms and conditions (if any) as they
may think proper And any such sanction may be framed in such
manner as to apply to all new buildings in any such way or any part
thereof Provided that the giving of such sanction by the Council
shall not in any manner affect any rights of the owners of adjoining
land.

Regulations
to be printed
and supplied.

18. Copies of the printed regulations of the Council issued for
the purposes of this Part of this Act shall be kept at the county
hall and supplied at all reasonable times without charge to any
applicants for the same.

for any particular purposes specified in the consent unless with the further consent of the Council obtained when a change of purpose is desired : A.D. 1894.

And generally any other condition which the Council may deem it expedient to impose in the public interest.

27. The consent by the Council to the erection of any building or structure beyond the general line of buildings in any part of a street or the erection of such building or structure shall not be deemed to affect or alter in that or any other part of the street the general line of buildings as existing at the time of such consent. Consent not to affect rest of general line.

28. The Council shall keep a register of all conditional consents given by them under this Part of this Act and shall keep the same open for inspection by all persons interested at all reasonable times. Register of conditional consents to be kept and open for inspection.

29. The superintending architect shall if required by the Council the local authority or any person interested for the purposes of this Part of this Act determine in any case in what street or streets a building or structure is situate such determination to be evidenced by his certificate Any person aggrieved by such certificate may appeal to the tribunal of appeal. Defining in what street a building or structure is situate.

30. This Part of this Act shall not apply within the City. Part of Act not to apply in City.

31. Nothing in this Part of this Act shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes. Certain powers of railway companies not affected by this Part of Act.

PART IV.

NAMING AND NUMBERING OF STREETS.

32. Before any name is given to any street notice of the intended name shall be given to the Council and the Council may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street in London until the expiration of one month after notice thereof has been given as aforesaid to the Council or to set up any name objected to as aforesaid. Notice of new name of street.

33. The local authority shall and may cause the name of every street to be painted or affixed on a conspicuous part of some house or building at or near each end or entrance to such street or some other convenient part of the street and shall renew such name whenever it may be obliterated or defaced. Affixing names of streets by local authority.

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Altering names
of streets.Notice of
altering
names of
streets.Numbering
houses.Power to
Council to
name and
number
streets in
default of
local autho-
rity comply-
ing with
order.

34. The Council may by order alter the name of any street to any other name which to the Council may seem fit.

35. One month before making an order altering the name of a street the Council shall notify their intention of making such alteration to the local authority and shall also cause notice of their intention to be posted at each end of the street or in some conspicuous position in the street or at the option of the Council to be notified by circular delivered at every house in the street.

Every such notice shall state that the order altering the name of the street may be issued on or after a day to be therein named if no objection in writing to the proposed alteration be given to the Council.

36.—(1) The Council may order that any houses or buildings in any street or way or any part thereof shall for the purpose of distinguishing the same be marked with such numbers as they shall deem convenient for that purpose and which they shall specify in their order in that behalf.

(2) Whenever the Council have made any such order they shall transmit a copy thereof to the local authority and it shall be the duty of the local authority to perform all necessary acts and to take all requisite proceedings for carrying the order of the Council into execution.

(3) The local authority shall give notice to the owners or occupiers of the houses and buildings in such street or way to mark their several houses and buildings with such numbers as the Council shall have ordered and to renew the numbers of such houses or buildings as often as they are obliterated or defaced.

(4) If any occupier of any such house or building neglect for one week after notice from the local authority to mark such house or building with such number as shall be mentioned and required in such notice the local authority may and shall cause such number to be so marked or renewed and recover the expenses thereof from the owner or occupier of such house or building in a summary manner.

37. Whenever the Council have transmitted a copy of any order made by them in pursuance of the provisions of this Part of this Act to any local authority and such local authority have for the space of three months after the receipt of such order failed to perform all or any of the necessary acts or to take all or any of the requisite proceedings for carrying such order into execution then and in every such case the Council may perform all or any of such necessary acts or take all or any of such necessary proceedings which the local authority have failed to perform or take and the Council may exercise all the rights powers authorities and jurisdiction

of a local authority with respect thereto including the recovery of expenses from owners of houses and buildings. A.D. 1894.

38. The Council shall keep a register of all alterations made by them in the names of streets and in the numbers of the houses therein and such register shall be kept in such form as to show the date of every such alteration and the name of the street previous to such alteration as well as the new name thereof. It shall be lawful for any person to inspect such register and to take a copy of any portion thereof upon payment of such reasonable fee as the Council may from time to time determine.

Register to be kept of alterations in names of streets.

PART V.

OPEN SPACES ABOUT BUILDINGS AND HEIGHT OF BUILDINGS.

39. For the purposes of this Part of this Act the expression "domestic building" shall not include any buildings used or constructed or adapted to be used wholly or principally as offices or counting-houses.

Meaning of "domestic building" in this Part of Act.

40. In the case of domestic buildings erected after the commencement of this Act which shall have a habitable basement there shall for the purpose of giving light and air to such basement be provided in the rear of the building and exclusively belonging thereto an open space of an aggregate extent of not less than one hundred square feet free from any erection thereon above the level of the adjoining pavement which open space notwithstanding anything herein-after contained need not necessarily adjoin the rear boundary of the premises.

Light and ventilation of habitable basements.

41.—(1) With respect to domestic buildings erected after the commencement of this Act and abutting upon a street formed or laid out after the commencement of this Act the following provisions shall have effect:—

Space at rear of domestic buildings.

- (i) There shall be provided in the rear of every such building an open space exclusively belonging to such building and of an aggregate extent of not less than one hundred and fifty square feet;

Where there is a basement storey directly and sufficiently lighted and ventilated by the open space provided under the preceding section irrespective of any use to which the ground storey is appropriated or where there is no such basement storey but where the ground storey is not constructed or adapted to be inhabited the open space required by this section may be provided above the level of the ceiling of the ground storey or a level of sixteen feet exclusive of lantern-lights measured from the level of the adjoining pavement;

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In all other cases the open space shall be free from any erection thereon above the level of the adjoining pavement except a watercloset earthcloset or privy and a receptacle for ashes and enclosing walls none of which erections shall exceed nine feet in height :

(ii) Such open space shall extend throughout the entire width of such building and to a depth in every part of at least ten feet from such building :

(iii) The height of any such building in relation to the space required in the rear thereof shall be fixed and ascertained as follows :—

(a) An imaginary line (hereafter referred to as “the horizontal line”) shall be drawn at right angles to the roadway formed or to be formed in front of the building and through or directly over a point in front of the centre of the face of the building ;

(b) The horizontal line shall be produced to intersect the boundary of the open space furthest from the said roadway ;

(c) The horizontal line shall be drawn throughout at the level of the pavement formed or to be formed in front of the centre of the building unless the site of the building incline towards the roadway or site of the roadway in which case the horizontal line shall be drawn directly over the said point in front of the centre of the face of the building at the level throughout of the ground at the boundary of the space furthest from such roadway where such boundary is intersected by the horizontal line ;

(d) A second imaginary line (in this Part of this Act called “the diagonal line”) shall be drawn in the direction of the building above and in the same vertical plane with the horizontal line and inclined thereto at an angle of sixty-three and a half degrees and meeting the horizontal line where it intersects the boundary of the space furthest removed from such roadway ;

(e) No part of such building shall extend above the diagonal line except chimneys dormers gables turrets or other architectural ornaments aggregating in all to not more than one third of the width of the rear elevation of such building and except any building which under the provisions of this section is permitted on the open space ;

(f) When the pavement in front of a building is not all on one level then for the purpose of compliance with this section the mean level of such pavement shall be deemed

to be the level thereof And where the boundary of the space at the rear of such building is not parallel with the rear wall of the building then for the purpose of this section the horizontal line shall be drawn to a point distant from such rear wall the mean distance from such wall of the boundary of the space at the rear of such building whether such point be beyond the said boundary or not;

- (g) When the boundary of the space at the rear of any such building shall be so irregular in shape that a doubt arises as to how the measurement shall be taken application shall be made to the Council and the applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal;
- (h) When the land at the rear of any such building and exclusively belonging thereto abuts immediately upon a street or upon an open space which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise the horizontal line shall be produced and the diagonal line may be drawn from the horizontal line at the centre of the roadway of such street at the level of the surface thereof or at the further boundary of such open space and it shall not be necessary to provide any open space at the rear of such building:
- (iv) The Council may—
- (a) In the case of a building at a corner abutting upon two streets;
- (b) In the case of a building at a corner abutting on one side upon a street and on another side upon an open space not less than forty feet wide at any part the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise;

permit the erection of buildings not exceeding thirty feet in height upon such part of the space in the rear as they may think fit provided that the Council be satisfied that such buildings shall be so placed as not to interfere unduly with the access of light and air to neighbouring buildings;

When the Council refuse any application under this subsection for permission to erect a building not exceeding thirty feet in height upon the space at the rear the applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal:

- (v) In the case of buildings at a corner as herein-before described nothing in this Part as to the determination of height by the

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diagonal line shall prevent the return front of such buildings being carried up to the full height of the front elevation for a distance of forty feet or for such less distance as the requirements for open space at the rear may demand :

(vi) In exceptional cases where owing to the irregular shape of the land any of the preceding provisions of this section cannot be applied the Council may allow such modifications as they may think fit provided the Council be satisfied that such modifications shall not interfere with the due access of light or air and all persons interested dissatisfied with any determination of the Council under this sub-section may appeal to the tribunal of appeal.

(2) With respect to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before the commencement of this Act the provisions of this section shall apply with this modification that the horizontal line shall be drawn throughout at a level of sixteen feet above the level of the adjoining pavement and that in any such case (except in the case of dwelling-houses to be inhabited or adapted to be inhabited by persons of the working class) the open space to be provided in accordance with paragraphs (i) and (ii) of sub-section 1 of this section may be provided above the level of the ceiling of the ground storey or above a level of sixteen feet (exclusive of lantern-lights) above the level of the adjoining pavement.

Provided always that notwithstanding the preceding provisions of this Part of this Act any part of any domestic building may extend above the diagonal line provided that the Council or tribunal of appeal shall be satisfied that an open cubic space of air will be provided at the rear of such building equivalent to the open cubic space which would have been provided at the rear of such building if such diagonal line had been drawn from the ground level in manner provided in sub-section 1 (iii) of this section and if no part of such building (except as permitted under the preceding provisions of this section) had extended above such diagonal line The applicant if dissatisfied with the determination of the Council may appeal to the tribunal of appeal.

Nothing in this section shall apply to houses abutting in the rear on the River Thames or on a public park or on an open space of not less than eighty feet in depth which is dedicated to the public or the maintenance of which as an open space is secured permanently or to the satisfaction of the Council by covenant or otherwise.

Open space
to be pro-
vided about

42. The following provisions shall have effect with respect to dwelling-houses to be inhabited or adapted to be inhabited by

persons of the working class erected after the commencement of this Act not abutting upon a street :—

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certain buildings not on the public way.

(i) At least one month before commencing to erect any such dwelling-house the person intending to erect the same shall deliver at the county hall a sufficient plan or plans exhibiting the extent and height of the intended dwelling-house in its several parts and also its position in relation to every other building either already existing or in course of erection which is adjacent thereto :

(ii) In any case where the Council are satisfied taking all the circumstances of the case into consideration that there will not be provided about such dwelling-house a sufficient open space or spaces for the admission of light and air thereto it shall be lawful for the Council at any time before the expiration of one month from the delivery of the said plan or plans by order to refuse to sanction such plan or plans or to sanction the same subject to such conditions as they may by such order prescribe. Provided always that nothing in this sub-section shall authorise the Council to refuse to sanction such plan or plans or to prescribe any conditions when sanctioning the same in any case where the open space or spaces for the admission of light and air proposed to be provided about such dwelling-house is or are equivalent to the open space or spaces which would have been provided about such dwelling-house under the provisions of this Act in case the same had been erected after the commencement of this Act abutting upon a street or way formed or laid out before the commencement of this Act :

(iii) No person shall commence to erect any such dwelling-house without having obtained the sanction of the Council to the plans delivered by him :

(iv) Unless the Council shall within one month after the delivery of the said plan or plans to them give notice to the person delivering the same of their disapproval thereof the Council shall be deemed to have given their sanction thereto :

(v) In case any person intending to erect any such dwelling-house considers that the refusal of the Council to sanction the plans delivered by him or any of the conditions prescribed by the Council is or are unreasonable he may appeal to the tribunal of appeal.

43. When any person intends to erect a domestic building (not being a dwelling-house to be inhabited or adapted to be inhabited by persons of the working class) abutting upon a street on the site of domestic buildings existing at the commencement of this Act or on a site vacant at the commencement of this Act but which has

Saving for certain domestic buildings on old sites.

A.D. 1894. been occupied by a domestic building at any time within seven years previous to the commencement of this Act the following provisions shall have effect:—

(i) It shall be lawful for such person before commencing to erect the intended domestic building to cause to be prepared plans showing the extent of the previously existing domestic building in its several parts (or in the event of such building having been taken down before the commencement of this Act or having been accidentally destroyed the best plans available under all the circumstances of the case) and to cause such plans to be submitted to the district surveyor who shall (if reasonably satisfied with the evidence of their accuracy) certify the same under his hand and such certificate shall be taken to be conclusive evidence of the correctness of the plans;

Such person may then erect the intended domestic building but so that no more land shall be occupied by the newly erected building than was occupied by the previously existing domestic building as so certified. If such person fail to submit such plans to the district surveyor or the district surveyor or the tribunal of appeal refuse to certify the accuracy of the same such person shall in rebuilding be bound by the preceding provisions of this Part of this Act relating to domestic buildings erected after the commencement of this Act abutting upon a street formed or laid out before that date:

(ii) If a person erecting the intended domestic building shall desire to deviate in any respect from the plan or plans certified by the district surveyor it shall be lawful for him to apply to the Council who shall sanction such deviations on such conditions as they may think fit provided that such conditions shall not in any case be more onerous than the conditions prescribed for domestic buildings erected after the commencement of this Act abutting on a street formed or laid out before that date:

(iii) A person dissatisfied with any decision of the Council or of a district surveyor under this section may appeal to the tribunal of appeal.

Laying out
of new streets
on cleared
area.

44. When any person desires to re-arrange a cleared area previously occupied in whole or in part by buildings by forming or laying out a new street or streets or widening a street or streets he may make application to the Council with such plans and sections as may be required by the Council and the Council may if under all the circumstances of the case they think it desirable modify or relax any of the foregoing provisions of this Part of this Act subject to such conditions as the Council may impose.

Within two months after the receipt of the application the Council shall either sanction the plans and sections or give notice to the applicant of their disapproval thereof stating fully all their reasons for such disapproval.

A.D. 1894.

Provided that if within the said period of two months the Council fail to give notice of their disapproval of any such plan or section they shall be deemed to have given their sanction thereto.

Any applicant dissatisfied with the determination of the Council may appeal to the tribunal of appeal.

45. Where a court wholly or in part open at the top but enclosed on every side and constructed or used for admitting light or air to a domestic building is constructed in connexion with such domestic building and the depth of such court from the eaves or top of the parapet to the ceiling of the ground storey exceeds the length or breadth of such court adequate provision for the ventilation of such court shall be made and maintained by the owner of the building by means of a communication between the lower end of the court and the outer air.

Courts
within a
building.

No habitable room not having a window directly opening into the external air otherwise than into a court enclosed on every side shall be constructed in any building unless the width of such court measured from such window to the opposite wall shall be equal to half the height measured from the sill of such window to the eaves or top of the parapet of the opposite wall.

Provided that a court of which the greater dimension does not exceed twice the less dimension shall be held to comply with this section if a court of the same area but square in shape would comply therewith.

No habitable room above the level of the ground storey not having a window directly opening into the external air otherwise than into a court open on one side the depth whereof measured from the open side exceeds twice the width shall be constructed in any building unless every window of such room be placed not nearer to the opposite wall of such court or to any other building than one half the height of the top of such wall or building above the level of the sill of such window.

46. In any case when it may be necessary the superintending architect shall determine which is the front and which is the rear of a building such determination to be evidenced by his certificate. Any person dissatisfied with such certificate may appeal to the tribunal of appeal.

Superin-
tending
architect
may define
front or rear
of buildings.

47. A building (not being a church or chapel) shall not be erected or be subsequently increased to a greater height than

Height of
buildings
limited,

A.D. 1894. — eighty feet (exclusive of two storeys in the roof and of ornamental towers turrets or other architectural features or decorations) without the consent of the Council.

Provided that where a contract shall have been lawfully made previously to the passing of this Act for the erection or increase of a building to a greater height than eighty feet nothing in this section shall prevent the erection or increase of such building to any height to which it might have been lawfully erected or increased immediately before the passing of this Act.

This section shall not apply to the rebuilding to the same height as at present of any building existing at the passing of this Act of a greater height than eighty feet.

Provided also that where any existing buildings forming part of a continuous block or row of buildings exceed the height prescribed by this section nothing in this section shall prevent any other building in the same block or row belonging at the date of the passing of this Act to the same owner from being carried to a height equal to but not exceeding that of the existing buildings.

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

Procedure
where
greater
height
allowed.

48.—(1) Whenever the Council consent to the erection of any building of a greater height than that prescribed by this Act notice of such consent shall within one week after such consent has been given be published and served in such manner as the Council may direct and the consent shall not be acted on until twenty-one days after such publication or service or in the event of any appeal against such consent until after the determination of such appeal.

(2) (a) The owner or lessee of any building or land within one hundred yards of the site of any intended building who may deem himself aggrieved by the grant of such consent in respect of the last-mentioned building; or

(b) Any applicant for consent which has been refused; may respectively within twenty-one days after the publication of notice of the consent or after the date of the refusal (as the case may be) appeal to the tribunal of appeal.

(3) Whenever such consent has been refused and the applicant to whom it has been refused intends to appeal against such refusal such applicant shall give notice within twenty-one days of such refusal in such manner as the Council may direct to the owner or lessee of any building or land within one hundred yards of the site of the building to which such refusal relates that he intends to appeal from such refusal.

(4.) In the case of an appeal against the refusal of consent any owner or lessee of any building or land within one hundred yards of the site of the intended building may appear and be heard before the tribunal of appeal against any application to reverse or vary the refusal. A.D. 1894.

49. After the commencement of this Act no existing building (other than a church or chapel) on the side of a street formed or laid out after the seventh day of August one thousand eight hundred and sixty-two and of a less width than fifty feet shall without the consent of the Council be raised and no new building shall without the consent of the Council be erected on the side of any such street so that the height of such building shall exceed the distance of the front or nearest external wall of such building from the opposite side of such street. Heights of buildings in certain cases.

Where such building is erected or intended to be erected on a corner plot so as to abut upon more than one street the height of the building shall (unless the Council otherwise consent) be regulated by the wider of such streets so far as it abuts or will abut upon such wider street and also so far as it abuts or will abut upon the narrower of such streets to a distance of forty feet from the wider street. Provided that any building erected or raised before the commencement of this Act to a height to which no objection could have been taken under any law then in force although exceeding the height provided in this section may be re-erected to its existing height.

Nothing in this section shall affect the exercise of any powers conferred upon any railway company by any special Act of Parliament for railway purposes.

50. Nothing in this Part of this Act contained shall prevent the raising of any building by increasing the height of the topmost storey thereof to such an extent only as may be necessary for the purpose of bringing any habitable rooms constructed in such topmost storey into conformity with the provisions of this Act relating to habitable rooms. Raising of buildings so as to comply with provisions of Act as to habitable rooms.

51. Nothing in this Part of this Act contained shall prevent the re-erection on the same site and of not greater dimensions of any dwelling-house inhabited or adapted to be inhabited by persons of the working class erected by a local authority previously to the passing of this Act. As to re-erection of certain working class dwellings of local authority.

52. In the case of domestic buildings and buildings erected or adapted for use as stables such domestic buildings and such stable buildings being upon sites abutting in the front upon a street and in the rear upon mews and such sites being of a depth of not more Saving for certain domestic buildings with stables in the rear.

A.D. 1894. — than one hundred and fifty feet measured from street to mews the following provisions shall in certain cases have effect:—

If the stable buildings be limited to a depth of fifty feet measured from the mews frontage and to a height of twenty-five feet measured from the level of the mews and if the open space required for the domestic building under section 41 of this Act be provided between the domestic building and the stable building the domestic building and the stable building may for all other purposes of the said section whether in one occupation or not be deemed to be one domestic building with the rear abutting upon a street.

PART VI.

CONSTRUCTION OF BUILDINGS.

Structure and thickness of walls.

53. Subject to any byelaws of the Council made in pursuance of this Act walls shall be constructed of the substances and in the manner and of not less than the thickness prescribed by this Act or mentioned in the First Schedule to this Act.

Rules as to recesses and openings.

54.—(1) Recesses and openings may be made in external walls provided—

(a) That the backs of such recesses are not of less thickness than eight and a half inches; and

(b) That the area of such recesses and openings above the ground storey do not taken together exceed one half of the whole area of the wall above the ground storey in which they are made.

(2) Recesses may be made in party walls provided—

(a) That the backs of such recesses are not of less thickness than thirteen inches; and

(b) That over every recess so formed an arch of at least two rings of brickwork of the full depth of the recess be turned on every storey except in the case of recesses formed for lifts but where such recess does not exceed five inches in depth corbelling in brick or stone may be substituted for the arching; and

(c) That the area of such recesses do not taken together exceed one half of the whole area of the wall of the storey in which they are made; and

(d) That such recesses do not come within thirteen and a half inches of the inner face of the external walls.

(3) An opening shall not be made in any party wall except in accordance with the provisions of this Act in relation thereto.

Provided that it shall be lawful for the superintending architect on application made to him in accordance with any rules made in

that behalf by the Council to give consent in writing to any modification or relaxation of the requirements of this section with respect to the area of recesses and openings in any special cases where he may think proper. The word area as used in this section shall mean the area of the vertical face or elevation of the wall or recess to which it refers.

A.D. 1894.

55. All woodwork fixed in any external wall except bressummers and storey posts under the same and frames of doors and windows of shops on the ground storey of any building shall be set back four inches at the least from the external face of such wall. But loophole frames and frames of doors and windows may be fixed flush with the face of any external wall :

Rules as to timber in external walls.

Provided that it shall be lawful for the Council by byelaw or otherwise to exempt from the provisions of this section oak teak or other wood provided the work be constructed to the satisfaction of the district surveyor.

56.—(1) Every bressummer whether of wood or metal shall have a bearing in the direction of its length of four inches at least at each end upon a sufficient pier of brick or stone or upon a timber or iron storey post fixed on a solid foundation in addition to its bearing upon any party wall or external wall and the district surveyor shall have power in his discretion to require that every bressummer shall have such other storey posts iron columns stanchions or piers of brick or stone or corbels as may be sufficient to carry the superstructure and the ends of such bressummer if of wood shall not be placed nearer to the centre line of the party walls than four inches.

Rules as to bressummers.

(2) At each end of every metallic bressummer a space shall be left equal to one quarter of an inch for every ten feet and also for any fractional part of ten feet of the length of such bressummer to allow for expansion.

(3) A bond timber or wood plate shall not be built into any party wall and the ends of any wooden beam or joist bearing on such walls shall be at least four inches distant from the centre line of the party walls.

(4) Every bressummer bearing upon a party wall shall be borne by a templet or corbel of stone or iron tailed through at least half the thickness of the wall and of the full breadth of the bressummer.

(5) The end of any timber not permitted to be placed in or to have a bearing on a party wall may be carried on a corbel or templet of stone or iron or vitrified stoneware tailed into the wall to a distance of at least eight and a half inches or otherwise supported to the satisfaction of the district surveyor.

57. If any gutter any part of which is formed of combustible materials adjoin an external wall such wall shall be carried up so as

Height and thickness of

A.D. 1894.

parapets to
external
walls.Cases in
which a wall
to be deemed
a party wall.

to form a parapet one foot at the least above the highest part of the gutter and the thickness of the parapet so carried up shall be at least eight and a half inches throughout.

58. In either of the following cases :—

(a) When a wall is after the commencement of this Act built as a party wall in any part ; or .

(b) Where a wall built before or after the commencement of this Act becomes after the commencement of this Act a party wall in any part ;

the wall shall be deemed a party wall for such part of its length as is so used.

Height of
party walls
above roof.

59.—(1) Every party wall shall be carried up of a thickness in a building of the warehouse class equal to the thickness of such wall in the topmost storey and in any other building of eight and a half inches above the roof flat or gutter of the highest building adjoining thereto to such a height as will give a distance (in a building of the warehouse class exceeding thirty feet in height) of at least three feet and (in any other building) of fifteen inches measured at right angles to the slope of the roof or fifteen inches above the highest part of any flat or gutter as the case may be.

(2) Every party wall shall be carried up of the thickness aforesaid above any turret dormer lantern-light or other erection of combustible materials fixed upon the roof or flat of any building within four feet from such party wall and shall extend at the least twelve inches higher and wider on each side than such erection and every party wall shall be carried up above any part of any roof opposite thereto and within four feet therefrom.

Rules as to
chases in
party walls.

60. In a party wall a chase shall not be made wider than fourteen inches nor more than four and a half inches deep from the face of the wall nor so as to leave less than eight and a half inches in thickness at the back or opposite side thereof and a chase shall not be made within a distance of seven feet from any other chase on the same side of the wall or within thirteen inches from an external wall No chase shall be made in a wall of less thickness than thirteen inches.

Rules as to
construction
of roofs.

61.—(1) The flat gutter and roof of every building and every turret dormer lantern-light skylight or other erection placed on the flat or roof thereof shall be externally covered with slates tiles metal or other incombustible materials except wooden cornices and barge-boards to dormers not exceeding twelve inches in depth and the doors door frames windows and window frames of such dormers turrets lantern-lights skylights or other erections.

(2) Every building exceeding thirty feet in height used wholly or in part as a dwelling-house or factory and having a parapet shall be provided either—

- (a) with a dormer window or a door opening on to the roof; or
- (b) with a trap door furnished with a fixed or hinged step ladder leading to the roof; or
- (c) with other proper means of access to the roof.

(3) The plane of the surface of the roof of a building of the warehouse class shall not incline from the external or party walls upwards at a greater angle than forty-seven degrees with the horizon Provided that this sub-section shall not apply to towers turrets or spires.

(4) The plane of the surface of the roof of any other building shall not incline from the external or party walls upwards at a greater angle than seventy-five degrees with the horizon Provided that this sub-section shall not apply to towers turrets or spires.

62.—(1) Not more than two storeys shall be constructed in the roof of any domestic building.

Storeys in roofs.

(2) Any storey constructed in the roof of any domestic building the upper surface of the floor of which storey is at a height of above sixty feet from the street level shall be constructed of fire-resisting materials throughout.

63. Every new building exceeding sixty feet in height shall be provided on the storeys the upper surface of the floor whereof is above sixty feet from the street level with such means of escape in the case of fire for the persons dwelling or employed therein as can be reasonably required under the circumstances of the case and no such storeys of such building shall be occupied until the Council shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

Means of escape at top of high buildings.

64.—(1). Chimneys built on corbels of brick stone or other incombustible materials may be erected if the work so corbelled out do not project from the wall more than the thickness of the wall measured immediately below the corbel but all other chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built unless they are carried upon iron girders with direct bearings upon party external or cross walls to the satisfaction of the district surveyor.

Rules as to chimneys and flues.

(2) Chimneys and flues having proper soot doors of not less than forty square inches may be constructed at any angle but in no other case shall any flue be inclined at a less angle than forty-five degrees to the horizon and every angle shall be properly rounded:

A.D. 1894. All soot doors shall be at least fifteen inches distant from any
woodwork.

(3) An arch of brick or stone or a bar of wrought iron of sufficient strength shall be built over the opening of every chimney to support the breast thereof and if the breast project more than four inches from the face of the wall and the jamb on either side be of less width than seventeen and a half inches the abutments shall be tied in by an iron bar or bars of sufficient strength turned up and down at the ends and built into the jambs for at least eight and a half inches on each side.

(4) A flue shall not be adapted to or used for any new oven furnace cockle steam-boiler or close fire used for any purpose of trade or business or to or for the range or cooking apparatus of any hotel tavern or eating-house unless the flue be surrounded with brickwork at least eight and a half inches thick from the floor on which such oven furnace cockle steam-boiler or close fire is situate to the level of the ceiling of the room next above the same.

(5) A flue shall not be used in connexion with a steam-boiler or hot-air engine unless the flue is at least twenty feet in height measured from the level of the floor on which such engine is placed.

(6) The inside of every flue and also the outside where passing through any floor or roof or behind or against any woodwork shall be rendered pargeted or lined with fire-resisting piping of stoneware.

(7) The position and course of every flue shall be distinguished on the outside of the work as it is carried up by outline marks in some durable manner except when the exterior face of the flue forms part of the outer face of an external wall not likely to be built against.

(8) The jambs of every fireplace opening shall be at least eight and a half inches wide on each side of the opening thereof.

(9) The breast of every chimney and the brickwork surrounding every smoke flue shall be at least four inches in thickness.

(10) The back of every fireplace opening in a party wall from the hearth up to the height of twelve inches above the mantel shall be at least eight and a half inches thick.

(11) The thickness of the upper side of every flue when its course makes with the horizon an angle of less than forty-five degrees shall be at least eight and a half inches.

(12) Every chimney shaft or smoke flue shall be carried up in brick or stone work at least four inches thick throughout to a height of not less than three feet above the roof flat or gutter adjoining thereto measured at the highest point in the line of junction with such roof flat or gutter.

(13) The highest six courses of every chimney-stack or shaft shall be built in cement.

(14) The brickwork or stonework of any chimney shaft except that of the furnace of any steam engine brewery distillery or manufactory shall not be built higher above the roof flat or gutter adjoining thereto than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction unless such chimney shaft is built with and bonded to another chimney shaft not in the same line with the first or otherwise rendered secure.

(15) There shall be laid level with the floor of every storey before the opening of every chimney a slab of stone slate or other incombustible substance at the least six inches longer on each side than the width of such opening and at the least eighteen inches wide in front of the breast thereof.

(16) On every floor except the lowest floor such slab shall be laid wholly upon stone or iron bearers or upon brick trimmers or other incombustible materials but on the lowest floor it may be bedded on concrete covering the site or on solid materials placed on such concrete.

(17) The hearth or slab of every chimney shall be bedded wholly on brick stone or other incombustible substance and shall together with such substance be solid for a thickness of six inches at least beneath the upper surface of such hearth or slab.

(18) A flue shall not be built in or against any party structure unless it be surrounded with new brickwork at least four inches in thickness properly bonded.

(19) A chimney breast or shaft built with or in any party wall shall not be cut away unless the district surveyor certifies that it can be done without injuriously affecting the stability of any building.

(20) A chimney shaft jamb breast or flue shall not be cut into except for the purpose of repair or during some one or more of the following things:—

- (a) Letting in or removing or altering flues pipes or funnels for the conveyance of smoke hot air or steam or letting in removing or altering smoke jacks ;
- (b) Forming openings for soot doors such openings to be fitted with a close iron door and frame ;
- (c) Making openings for the insertion of ventilating valves subject to the following restriction that an opening shall not be made nearer than twelve inches to any timber or combustible substance.

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(21) Timber or woodwork shall not be placed—

- (a) In any wall or chimney breast nearer than twelve inches to the inside of any flue or chimney opening ;
- (b) Under any chimney opening within ten inches from the upper surface of the hearth of such chimney opening ;
- (c) Within two inches from the face of the brickwork or stonework about any chimney or flue where the substance of such brickwork or stonework is less than eight and a half inches thick unless the face of such brickwork or stonework is rendered.

(22) Wooden plugs shall not be driven nearer than six inches to the inside of any flue or chimney opening nor any iron holdfast or other iron fastening nearer than two inches thereto.

Furnace
chimney
shafts.

65. Unless the Council otherwise permit every chimney shaft for the furnace of a steam engine brewery distillery or manufactory shall be constructed in conformity with the following rules :—

- (1) Every shaft shall be carried up throughout in brickwork and mortar of the best quality and if detached shall taper gradually from the base to the top of the shaft at the rate of at least two inches and a half in ten feet of height :
- (2) The thickness of brickwork at the top of the shaft and for twenty feet below the top shall be at least eight and a half inches and shall be increased at least one half brick for every additional twenty feet measured downwards :
- (3) Every cap cornice pedestal plinth string course or other variation from plain brickwork shall be provided as additional to the thickness of brickwork required under this Act and every cap shall be constructed and secured to the satisfaction of the district surveyor :
- (4) The foundation of the shaft shall always be made to the satisfaction of the district surveyor on concrete or other sufficient foundation :
- (5) The footings shall spread all round the base by regular offsets to a projection equal to the thickness of the enclosing brickwork at the base of the shaft and the space enclosed by the footings shall be filled in solid as the work progresses :
- (6) The width of the base of the shaft if square shall be at least one tenth of the proposed height of the shaft or if the same is round or of any other shape then one twelfth of the height :
- (7) Any fire bricks built inside the lower portion of the shaft shall be provided as additional to and independent of the thickness of brickwork prescribed by these rules and shall not be bonded therewith.

Rules as to
close fires
and pipes

66.—(1) The floor under every oven copper steam-boiler or stove which is not heated by gas and the floor around the same shall for a

space of eighteen inches be formed of materials of an incombustible and non-conducting nature not less than six inches thick.

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for convey-
ing vapour
&c.

(2) A pipe for conveying smoke or other products of combustion heated air steam or hot water shall not be fixed against any building on the face adjoining to any street or public way.

(3) A pipe for conveying smoke or other products of combustion shall not be fixed nearer than nine inches to any combustible materials.

(4) A pipe for conveying heated air or steam shall not be fixed nearer than six inches to any combustible materials.

(5) A pipe for conveying hot water shall not be placed nearer than three inches to any combustible materials.

Provided that the restrictions imposed by this section with respect to the distance at which pipes for conveying hot water or steam may be placed from any combustible materials shall not apply in the case of pipes for conveying hot water or steam at low pressure.

For the purposes of this section hot water or steam shall be deemed to be at low pressure when provided with a free blow off.

67. The floor over any room or enclosed space in which a furnace is fixed and any floor within eighteen inches from the crown of an oven shall be constructed of fire-resisting materials.

Floors above
furnaces and
ovens.

68. In every public building and in every other building of more than one hundred and twenty-five thousand feet in cubical extent and which is constructed or adapted to be used as a dwelling-house for separate families the floors of the lobbies corridors passages and landings and also the flights of stairs shall be of fire-resisting material and carried by supports of a fire-resisting material.

Rules as to
accesses and
stairs in
certain
buildings.

69.—(1) In every building constructed or adapted to be occupied in separate tenements by more than two families the principal staircase used by the several families in common shall be ventilated upon every storey above the ground storey by means of windows or skylights opening directly into the external air or shall be otherwise adequately ventilated.

Ventilation
of staircases.

(2) The principal staircase in every building being a dwelling-house and not subject to the provisions of sub-section 1 of this section shall be ventilated by means of a window or skylight opening directly into the external air.

70.—(1) (a) Every habitable room except rooms wholly or partly in the roof shall be in every part at least eight feet six inches in height from the floor to the ceiling ;

Rules as to
habitable
rooms.

(b) Every habitable room wholly or partly in the roof of any building shall be at least eight feet in height from the floor to

A.D. 1894. the ceiling throughout not less than one half the area of such room ;

(c) Every habitable room shall have one or more windows opening directly into the external air or into a conservatory with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one tenth of the floor area of the room and so constructed that a portion equal to at least one twentieth of such floor area can be opened and the opening in each case shall extend to at least seven feet above the floor level but a room having no external wall or a room constructed wholly or partially in the roof may be lighted through the roof by a dormer window with a total superficies clear of the sash frames free from any obstruction to the light equal to at least one twelfth of the floor area of the room and so constructed that a portion of such window equal to at least one twenty-fourth of such floor area can be opened and the opening in each case shall extend to at least five feet above the floor level or such room may be lighted by a lantern-light of which a portion equal to at least one twentieth of the floor area can be opened ;

(d) In a building being a dwelling-house every basement room having a wooden floor other than a floor constructed of solid wood bedded on concrete shall have a sufficient space between the ground and the floor surfaces to admit of ventilation by means of air-bricks or otherwise ;

(e) Every habitable room constructed over a stable shall be separated from the stable by a floor which shall have in every part not occupied by a joist or girder a layer of concrete pugging of good quality or of other solid construction three inches in thickness finished smooth upon the upper surface and properly supported and the under side of such floor shall be ceiled with lath and plaster of good quality or of other solid construction ;

Any staircase or gallery or structure by which such rooms shall be approached shall be separated from any stable to which it may adjoin by a brick wall not less than nine inches in thickness ;

(f) Nothing in this Act shall affect alter or repeal any of the provisions of the Public Health (London) Act 1891 relating to underground rooms.

(2) If any person knowingly suffer any room constructed after the commencement of this Act that is not constructed in conformity with this section to be inhabited he shall in addition to any other liabilities to which he may be subject be liable to a penalty for every day during which such room is inhabited.

Rules as to
party arches
over public
ways.

71.—(1) Every party arch or party floor and every arch or floor over any public way or any passage leading through or under a

building or part of a building to premises in other occupation shall be formed of brick stone or other incombustible materials.

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(2) If an arch of brick or stone be used it shall be of the thickness of eight and a half inches at least and the centre of such arch shall be higher than the springing at the rate of one inch at least for every foot and also for any fractional part of a foot of span.

(3) If an arch or floor of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor.

72.—(1) Every arch or other construction under any passage leading to premises in other occupation or under any public way or intended public way shall be formed of brick stone or other incombustible materials.

Rules as to arches under public ways.

(2) If an arch of brick or stone be used it shall—

(a) Where its span does not exceed ten feet be of the thickness of eight and a half inches at least ;

(b) Where its span exceeds ten but does not exceed fifteen feet be of the thickness of thirteen inches at least ; and

(c) Where its span exceeds fifteen feet be of such thickness as may be approved by the district surveyor.

(3) If an arch or other construction of other incombustible material be used it shall be constructed in such manner as may be approved by the district surveyor.

73. The following provisions shall (except with the consent of the Council) apply to projections from buildings :—

Rules as to projections.

(1) Every coping cornice string-course fascia window-dressing portico porch balcony verandah balustrade outside landing outside stairs and outside steps and architectural projection or decoration whatsoever and also the eaves barge-boards and cornices to any overhanging roof except the cornices and dressings to the window fronts of shops and except the eaves barge-boards and cornices to detached and semi-detached dwelling-houses and to other dwelling-houses in which the party walls are corbelled out so as to project four inches beyond such eaves barge-boards or cornices shall be of brick tile stone artificial stone slate cement or other fireproof material :

For the purpose of this sub-section a pair of semi-detached houses shall be deemed to be one building :

(2) Every balcony cornice or other projection shall be tailed into the wall of the building and weighted or tied down to the satisfaction of the district surveyor and no cornice shall exceed in projection two feet six inches over the public way :

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- (3) In a street or way of a width not greater than thirty feet any shop front may project beyond the external wall of the building to which it belongs to any extent not exceeding five inches and any cornice of any such shop front may project to any extent not exceeding thirteen inches and in any street or way of a width greater than thirty feet any shop front may project to any extent not exceeding ten inches and any cornice of any such shop front may project to any extent not exceeding eighteen inches beyond the external wall of the building to which it belongs over the ground of the owner of the building provided that this provision shall not authorise in any such street the projection of any part of any such shop front other than the cornice on or over the public way or any land to be given up to the public way :
- (4) No part of the woodwork of any shop front shall be fixed higher than twenty-five feet above the level of the pavement of the public footpath in front of the shop No part of the woodwork of any shop front shall be fixed nearer than four inches to the centre of the party wall where the adjoining premises are separated by a party wall or nearer than four inches to the face of the wall of the adjoining premises where the adjoining premises have a separate wall unless a pier or corbel of stone brick or other incombustible material four inches wide at the least be placed as high as such woodwork and projecting throughout an inch at the least in front thereof between such woodwork and the centre of the party wall or the separate wall as the case may be :
- (5) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street bay windows to dwelling-houses may be erected on land belonging to the owner of the building notwithstanding the provisions of this Act relating to buildings beyond the general line of buildings in streets provided that such bay windows—
- (a) Do not exceed three storeys in height above the level of the footway ;
 - (b) Do not project more than three feet from the main wall of the building to which they are attached ;
 - (c) Do not project in any part within the prescribed distance of the centre of the roadway ;
 - (d) Are in no part nearer to the centre of the nearest party wall than the extreme amount of their projection from the main wall of the building to which they are attached ;

(e) Do not taken together exceed in width three fifths of the frontage of the building towards the street to which such bays face ;

(f) Are not constructed upon any part of the public way or upon any land agreed to be given up to the public way ; and

(g) Shall not be used for trade purposes :

Bay windows to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority :

(6) In a street of a width not less than forty feet or to a building the front wall of which is not at a less distance than forty feet from the opposite boundary of the street projecting oriel windows or turrets may be constructed Provided that—

(a) No part of any such projection extend more than three feet from the face of the front wall of the building or more than twelve inches over the public way ;

(b) No part of any such projection be less than ten feet above the level of the footway of the street ;

(c) No part of any such projection (where it overhangs the public way) be within a distance of four feet of the centre of the nearest party wall ;

(d) On no floor shall the total width of any such projections taken together exceed three fifths of the length of the wall of the building on the level of that floor ;

(e) Every such projection be constructed to the satisfaction of the district surveyor or in the event of disagreement to the satisfaction of the superintending architect whose determination shall be final :

Oriel windows or turrets to which the foregoing rules do not apply shall not be erected without the consent of the Council after consulting the local authority :

(7) The roof flat or gutter of every building and every balcony verandah shop front or other similar projection or projecting window shall be so arranged and constructed and so supplied with gutters and pipes as to prevent the water therefrom from dropping upon or running over any public way :

(8) Except in so far as is permitted by this section in the case of shop fronts and projecting windows and with the exception of water pipes and their appurtenances copings string courses cornices facias window dressings and other like architectural decorations no projection from any building shall extend beyond the general line of buildings in any street except with the permission of the Council after consulting the local authority.

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 Separation
 of buildings.

74.—(1) Every building shall be separated either by an external wall or by a party wall or other proper party structure from the adjoining building (if any) and from each of the adjoining buildings (if more than one).

(2) In every building exceeding ten squares in area used in part for purposes of trade or manufacture and in part as a dwelling-house the part used for the purposes of trade or manufacture shall be separated from the part used as a dwelling-house by walls and floors constructed of fire-resisting materials and all passages staircases and other means of approach to the part used as a dwelling-house shall be constructed throughout of fire-resisting materials. The part used for purposes of trade or manufacture shall (if extending to more than two hundred and fifty thousand cubic feet) be subject to the provisions of this Act relating to the cubical extent of buildings of the warehouse class :

Provided that there may be constructed in the walls of such staircases and passages such doorways as are necessary for communicating between the different parts of the building and there may be formed in any walls of such building openings fitted with fire-resisting doors.

(3) In every building exceeding twenty-five squares in area containing separate sets of chambers or offices or rooms tenanted or constructed or adapted to be tenanted by different persons the floors and principal staircases shall be of fire-resisting materials :

But this provision shall not entitle the district surveyor to charge for the inspection of each set of chambers as a separate building.

Cubical
 extent of
 buildings.

75. Except as in this section provided no building of the warehouse class shall extend to more than two hundred and fifty thousand cubic feet unless divided by party walls in such manner that no division thereof extend to more than two hundred and fifty thousand cubic feet.

No addition shall be made to any building of the warehouse class or to any division thereof so that the cubical extent of any such building or division shall exceed two hundred and fifty thousand cubic feet.

The restriction contained in this section upon the cubical extent of a building shall not apply to any building which being at a greater distance than two miles from Saint Paul's Cathedral is used wholly for the manufacture of the machinery and boilers of steam vessels or for a retort-house or the manufacture of gas or for generating electricity provided that such building consist of one floor only and be constructed of brick stone iron or other incombustible material throughout and shall not be used for any purpose other than such as herein-before specified. Every such building

shall for the purpose of the provisions of this Act with respect to special buildings be deemed to be a building to which the general rules of this Act are inapplicable.

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76. Where the Council are satisfied on the report of the superintending architect and of the chief officer of the fire brigade that additional cubical extent is necessary for any building to be used for any trade or manufacture and are satisfied that proper arrangements have been or will be made and maintained for lessening so far as reasonably practicable danger from fire the Council may consent to such building containing additional cubical extent :

Consent to larger dimensions.

Provided that such building shall not—

- (i) Extend to a number of cubic feet exceeding four hundred and fifty thousand or any less number allowed by the Council without being divided by party walls in such manner that the cubical extent of each division do not exceed that number ;
- (ii) Exceed sixty feet in height ;
- (iii) Be used for the purpose of any trade or manufacture involving the use of explosive or inflammable materials.

Such consent shall continue in force only while the said building is actually used for the purposes of the trade or manufacture in respect of which the consent was granted.

77.—(1) Buildings shall not be united except where they are wholly in one occupation or are constructed or adapted to be so.

Rules as to uniting buildings.

(2) Buildings shall not be united if when so united and considered as one building only they would not be in conformity with this Act.

(3) An opening shall not be made in any party wall or in two external walls dividing buildings which if taken together would extend to more than two hundred and fifty thousand cubic feet except under the following conditions :—

- (a) Such opening shall not exceed in width seven feet or in height eight feet and such opening or openings taken together shall not exceed one half the length of such party wall on each floor of the building in which they occur ;
- (b) Such opening shall have the floor jambs and head formed of brick stone or iron and be closed by two wrought iron doors each one fourth of an inch thick in the panel at a distance from each other of the full thickness of the wall fitted to rebated frames without woodwork of any kind or by wrought iron sliding doors or shutters properly constructed fitted into grooved or rebated iron frames ;
- (c) If the thickness of the wall be not less than twenty-four inches or the doors be placed at a distance from each other of

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not less than twenty-four inches such opening may be nine feet six inches in height.

(4) Whenever any buildings which have been united cease to be in one occupation all openings made for the purpose of uniting the same in any party wall between the buildings or in any external wall shall be stopped up with brick or stone work not less than thirteen inches in thickness (except in the case of a wall eight and a half inches in thickness in which case eight and a half inches shall be sufficient) and properly bonded with such wall and any timber not in conformity with this Act placed in the wall shall be removed.

(5) Whenever any buildings which have been united cease to be in one occupation the owner thereof shall forthwith give notice to the district surveyor and shall cause any openings made in the party wall to be stopped up and bonded as aforesaid.

Construction
of public
buildings.

78. Notwithstanding anything in this Act every public building including the walls roofs floors galleries and staircases and every structure and work constructed or done in connexion with or for the purposes of the same shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the tribunal of appeal and save so far as respects the rules of construction every public building shall throughout this Act be deemed to be included in the term building and be subject to all the provisions of this Act in the same manner as if it were a building erected for a purpose other than a public purpose.

No public building shall be used as such until the district surveyor or the tribunal of appeal shall have declared his or their approval of the construction thereof.

After the district surveyor shall have so declared his approval or shall certify that it has been constructed as directed by the tribunal of appeal any work affecting or likely to affect the building shall not be done to in or on the building without the approval of the district surveyor or such certificate as aforesaid.

Conversion
of houses &c
into public
buildings.

79. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose into a public building such conversion or alteration shall be carried into effect and the public building thereby formed including the walls roofs floors galleries and staircases thereof shall be constructed in such manner as may be approved by the district surveyor or in the event of disagreement may be determined by the tribunal of appeal and the provisions of this Act shall apply to such alteration or conversion as though it were the construction of a public building.

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Staircases in
churches and
chapels.

80. The following rules shall be observed with respect to new churches chapels meeting-houses public halls public lecture rooms public exhibition rooms and public places of assembly or additions or alterations by which increased accommodation is to be provided to existing churches chapels and meeting-houses public halls public lecture rooms public exhibition rooms or public places of assembly :—

- (a) Every staircase for the use of the public shall be supported and enclosed by brick walls not less than nine inches thick The treads of each flight of stairs shall be of uniform width :
- (b) No staircase internal corridor or passage-way for the use of the public shall be less than four feet six inches wide Provided that where not more than two hundred persons are to be accommodated in such church chapel meeting-house hall lecture room exhibition room or place of assembly such staircase internal corridor or passage-way may be of the width of three feet six inches :
- (c) Every staircase corridor or passage-way for the use of the public and which communicates with any portion of the building intended for the accommodation of a larger number of the public than four hundred shall be increased in width by six inches for every additional one hundred persons until a maximum width of nine feet be obtained Provided always that in every case where the staircases are six feet wide and upwards they shall be divided by a hand-rail Provided also that in lieu of a single staircase corridor or passage-way of the width in this sub-section prescribed it shall be lawful to substitute two staircases corridors or passage-ways each being of a width at least equal to two thirds of the width in this sub-section prescribed for the single staircase corridor or passage-way but so that neither of such two substituted corridors staircases or passage-ways shall be less than three feet six inches wide :
- (d) In all cases where a portion of the public is to be accommodated over or at a higher level than others of the public a separate means of exit of the width above prescribed for staircases internal corridors or passage-ways and communicating directly with the street or open space shall be provided from each floor or level :
- (e) All doors and barriers shall be made to open outwards and no outside locks or bolts are to be affixed thereto.

81. Where a building erected after the commencement of this Act under or in or by inclosure of a railway arch or abutting thereon is constructed or adapted to be used for human habitation

Application
of Act to
buildings
under rail-
way arches.

A.D. 1894. — this Act shall apply to the building and to every work done to in or on the same in like manner and to the like extent as far as may be as if the building were built in any other position.

PART VII.

SPECIAL AND TEMPORARY BUILDINGS AND WOODEN STRUCTURES.

Application to Council for buildings to which rules of Act are inapplicable.

82.—(1) Where a builder is desirous of erecting an iron building or structure or any other building or structure to which the general provisions of Part VI. of this Act are inapplicable or in the opinion of the Council inappropriate having regard to the special purpose for which the building or structure is designed and actually used he shall make an application to the Council accompanied by a plan of the proposed building with such particulars as to the construction thereof as may be required by the Council.

(2) The Council if satisfied with such plan and particulars shall signify their approval of the same in writing and thereupon the building may be constructed according to such plan and particulars but the Council shall not authorise any building of the warehouse class to be erected of greater cubical extent than two hundred and fifty thousand cubic feet except in accordance with the foregoing provisions of this Act.

(3) The Council may for the purpose of regulating the procedure in relation to such applications issue such general rules as they think fit as to the time and manner of making applications and as to the plans to be presented the expenses to be incurred and any other matter or thing connected therewith.

(4) All expenses incurred in and about the obtaining the approval of the Council shall be paid by the builder to the superintending architect or to such other person as the Council may appoint and in default of payment may be recovered in a summary manner.

(5) A copy of any plans and particulars approved by the Council shall be furnished to the district surveyor within whose district the building to which such plans and particulars relate is situate and it shall be his duty to ascertain that the same is built in accordance with the said plans and particulars.

Control by Council of certain temporary buildings.

83. Where an application is made to the Council by any person stating his desire to erect in any place an iron or other building or structure of a temporary character to which the general provisions of Part VI. of this Act are inapplicable the Council may if they approve of the plan and particulars of the building or structure limit the period during which it shall be allowed to remain in that

place and may make their approval subject to such conditions as to the removal of the building or structure or otherwise as they think fit and if at the expiration of that period the building or structure be not removed in accordance with those conditions the Council may 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 occupier or owner fail to remove such building or structure within the time named the Council may notwithstanding the imposition and recovery of any penalty cause complaint thereof to be made before a petty sessional court who shall thereupon issue a summons requiring such occupier or owner to appear to answer such complaint and if the said complaint is proved to the satisfaction of the Court the Court may make an order in writing authorising the Council to enter upon the land upon which such building is situated and to remove or take down the same and do whatever may be 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 Council be paid to them within fourteen days after such removal) sell the same as they think proper.

84.—(1) No person shall set up in any place any wooden structure (unless it be exempt from the operation of this Part of this Act) except hoardings enclosing vacant land and not exceeding in any part twelve feet in height without having first obtained for that purpose a licence from the Council and the licence may contain such conditions with respect to the structure and the time for which it is to be permitted to continue in the said place as the Council think expedient.

Wooden structures not to be erected without licence of Council.

(2) Provided that a licence shall not be required in the case of any wooden structure of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair.

Provided that this section shall not extend to or apply within the City or to any hoarding duly licensed by the local authority under any statutory powers in that behalf.

85. This Part of this Act shall not apply in the case of a pile stack or store of timber not being a structure affixed or fastened to the ground.

Piles of loose timber not regarded as structures.

86. Structures or erections erected or set up upon the premises of any railway company and used for the purposes of or in connexion with the traffic of such railway company shall be exempt from the operation of this Part of this Act.

As to structures of railway companies.

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PART VIII.

RIGHTS OF BUILDING AND ADJOINING OWNERS.

Rights of
owners of
adjoining
lands
respecting
erection of
walls on line
of junction.

87. Where lands of different owners adjoin and are unbuilt on at the line of junction and either owner is about to build on any part of the line of junction the following provisions shall have effect:—

- (1) If the building owner desire to build a party wall on the line of junction he may serve notice thereof on the adjoining owner describing the intended wall :
- (2) If the adjoining owner consent to the building of a party wall the wall shall be built half on the land of each of the two owners or in such other position as may be agreed between the two owners :
- (3) The expense of the building of the party wall shall be from time to time defrayed by the two owners in due proportion regard being had to the use made and which may be made of the wall by the two owners respectively :
- (4) If the adjoining owner do not consent to the building of a party wall the building owner shall not build the wall otherwise than as an external wall placed wholly on his own land :
- (5) If the building owner do not desire to build a party wall on the line of junction but desires to build an external wall placed wholly on his own land he may serve notice thereof on the adjoining owner describing the intended wall :
- (6) Where in either of the cases aforesaid the building owner proceeds to build an external wall on his own land he shall have a right at his own expense at any time after the expiration of one month from the service of the notice to place on the land of the adjoining owner below the level of the lowest floor the projecting footings of the external wall with concrete or other solid substructure thereunder making compensation to the adjoining owner or occupier for any damage occasioned thereby the amount of such compensation if any difference arise to be determined in the manner in which differences between building owners and adjoining owners are herein-after directed to be determined :

Where an external wall is built against another external wall or against a party wall it shall be lawful for the district surveyor to allow the footing of the side next such other external or party wall to be omitted.

Rights of
building
owner.

88. The building owner shall have the following rights in relation to party structures (that is to say):—

- (1) A right to make good underpin or repair any party structure which is defective or out of repair :

- (2) A right to pull down and rebuild any party structure which is so far defective or out of repair as to make it necessary or desirable to pull it down :
- (3) A right to pull down any timber or other partition which divides any buildings and is not conformable with the regulations of this Act and to build instead a party wall conformable thereto :
- (4) In the case of buildings having rooms or storeys the property of different owners intermixed a right to pull down such of the said rooms or storeys or any part thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (5) In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons a right to pull down such of the said buildings arches or communications or such parts thereof as are not built in conformity with this Act and to rebuild the same in conformity with this Act :
- (6) A right to raise and underpin any party structure permitted by this Act to be raised or underpinned or any external wall built against such party structure upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against such party structure or external wall :
- (7) A right to pull down any party structure which is of insufficient strength for any building intended to be built and to rebuild the same of sufficient strength for the above purpose upon condition of making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof :
- (8) A right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (9) A right to cut away any footing or any chimney breasts jambs or flues projecting or other projections from any party wall or external walls in order to erect an external wall against such party wall or for any other purpose upon condition of making good all damage occasioned to the adjoining premises by such operation :
- (10) A right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging the ground of the

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building owner in order to erect an upright wall against the same on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down:

(11) A right to perform any other necessary works incident to the connexion of a party structure with the premises adjoining thereto. But the above rights shall be subject to this qualification that any building which has been erected previously to the date of the commencement of this Act shall be deemed to be conformable with the provisions of this Act if it be conformable with the provisions of the Acts of Parliament regulating buildings in London before the commencement of this Act:

(12) A right to raise a party fence wall or to pull the same down and rebuild it as a party wall.

Rights of adjoining owner.

89.—(1) Where a building owner proposes to exercise any of the foregoing rights with respect to party structures the adjoining owner may by notice require the building owner to build on any such party structure such chimney copings jambs or breasts or flues or such piers or recesses or any other like works as may fairly be required for the convenience of such adjoining owner and may be specified in the notice and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works will not be injurious to the building owner or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his right.

(2) Any difference that arises between a building owner and adjoining owner in respect of the execution of any such works shall be determined in manner in which differences between building owners and adjoining owners are herein-after directed to be determined.

Rules as to exercise of rights by building and adjoining owners.

90.—(1) A building owner shall not except with the consent in writing of the adjoining owner and of the adjoining occupiers or in cases where any wall or party structure is dangerous (in which cases the provisions of Part IX. of this Act shall apply) exercise any of his rights under this Act in respect of any party fence wall unless at least one month or exercise any of his rights under this Act in relation to any party wall or party structure other than a party fence wall unless at least two months before doing so he has served on the adjoining owner a party wall or party structure notice stating the nature and particulars of the proposed work and the time at which the work is proposed to be commenced.

(2) When a building owner in the exercise of any of his rights under this Part of the Act lays open any part of the adjoining land

or building he shall at his own expense make and maintain for a proper time a proper hoarding and shoring or temporary construction for protection of the adjoining land or building and the security of the adjoining occupier.

(3) A building owner shall not exercise any right by this Act given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(4) A party wall or structure notice shall not be available for the exercise of any right unless the work to which the notice relates is begun within six months after the service thereof and is prosecuted with due diligence.

(5) Within one month after receipt of such notice the adjoining owner may serve on the building owner a notice requiring him to build on any such party structure any works to the construction of which he is herein-before declared to be entitled.

(6) The last-mentioned notice shall specify the works required by the adjoining owner for his convenience and shall if necessary be accompanied by explanatory plans and drawings.

(7) If either owner do not within fourteen days after the service on him of any notice express his consent thereto he shall be considered as having dissented therefrom and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner.

91.—(1) In all cases not specially provided for by this Act where a difference arises between a building owner and adjoining owner in respect of any matter arising with reference to any work to which any notice given under this Part of this Act relates unless both parties concur in the appointment of one surveyor they shall each appoint a surveyor and the two surveyors so appointed shall select a third surveyor and such one surveyor or three surveyors or any two of them shall settle any matter from time to time during the continuance of any work to which the notice relates in dispute between such building and adjoining owner with power by his or their award to determine the right to do and the time and manner of doing any work and generally any other matter arising out of or incidental to such difference but any time so appointed for doing any work shall not unless otherwise agreed commence until after the expiration of the period by this Part of this Act prescribed for the notice in the particular case.

Settlement
of difference
between
building and
adjoining
owners.

(2) Any award given by such one surveyor or by such three surveyors or by any two of them shall be conclusive and shall not be questioned in any court with this exception that either of the parties to the difference may appeal therefrom to the county court within fourteen days from the date of the delivery of the award and the

A.D. 1894. county court may subject as hereafter in this section mentioned rescind the award or modify it in such manner as it thinks just.

(3) If either party to the difference make default in appointing a surveyor for ten days after notice has been served on him by the other party to make such appointment the party giving the notice may make the appointment in the place of the party so making default.

(4) The costs incurred in making or obtaining the award shall be paid by such party as the surveyor or surveyors determine.

(5) If the appellant from any such award on appearing before the county court declare his unwillingness to have the matter decided by that court and prove to the satisfaction of the judge of that court that in the event of the matter being decided against him he will be liable to pay a sum exclusive of costs exceeding fifty pounds and gives security to be approved by the judge duly to prosecute his appeal and to abide the event thereof all proceedings in the county court shall thereupon be stayed and the appellant may bring an action in the High Court against the other party to the difference.

(6) The plaintiff in such action shall deliver to the defendants an issue whereby the matters in difference between them may be tried and the form of such issue in case of dispute or in case of the non-appearance of the defendant shall be settled by the High Court and such action shall be prosecuted and issue tried in the same manner and subject to the same incidents in and subject to which actions are prosecuted and issues tried in other cases within the jurisdiction of the High Court or as near thereto as circumstances admit.

(7) If the parties to any such action agree as to the facts a special case may be stated for the opinion of the High Court and any case so stated may be brought before the court in like manner and subject to the same incidents in and subject to which other special cases are brought before such court or as near thereto as circumstances admit and any costs that may have been incurred in the county court by the parties to such action as is mentioned in this section shall be deemed to be costs incurred in such action and be payable accordingly.

(8) Where both parties to the difference have concurred in the appointment of one surveyor for the settlement of such difference then if such surveyor refuse or for seven days neglect to act or die or become incapable to act before he has made his award the matters in dispute shall be determined in the same manner as if such single surveyor had not been appointed.

(9) Where each party to the difference has appointed a surveyor for the settlement of the difference and a third surveyor has been

selected then if such third surveyor refuse or for seven days neglect to act or before such difference is settled die or become incapable to act the two surveyors shall forthwith select another third surveyor in his place and every third surveyor so selected as last aforesaid shall have the same powers and authorities as were vested in his predecessor.

(10) Where each party to the difference has appointed a surveyor for the settlement of the difference then if the two surveyors so appointed refuse or for seven days after request of either party neglect to select a third surveyor or another third surveyor in the event of the refusal or neglect to act death or incapacity of the third surveyor for the time being a Secretary of State may on the application of either party select some fit person to act as third surveyor and every surveyor so selected shall have the same powers and authorities as if he had been selected by the two surveyors appointed by the parties.

(11) Where each party to the difference has appointed a surveyor for the settlement of the difference then if before such difference is settled either surveyor so appointed die or become incapable to act the party by whom such surveyor was appointed may appoint in writing some other surveyor to act in his place and if for the space of seven days after notice served on him by the other party for that purpose he fail to do so the other surveyor may proceed ex parte and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred and every surveyor so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former surveyor at the time of his death or disability as aforesaid.

(12) Where each party to the difference has appointed a surveyor for the settlement of the difference then if either of the surveyors refuse or for seven days neglect to act the other surveyor may proceed ex parte and the decision of such other surveyor shall be as effectual as if he had been a single surveyor in whose appointment both parties had concurred.

92. A building owner his servants agents and workmen at all usual times of working may enter and remain on any premises for the purpose of executing and may execute any work which he has become entitled or is required in pursuance of this Act to execute removing any furniture or doing any other thing which may be necessary and if the premises are closed he and they may accompanied by a constable or other officer of the peace break open any fences or doors in order to effect such entry :

Power for building owner to enter premises.

Provided that before entering on any premises for the purposes of this section the building owner shall except in the case of emergency give fourteen days notice of his intention so to do to the owner and

A.D. 1894. occupier and in case of emergency shall give such notice as may be reasonably practicable.

Building owner to underpin adjoining owner's building.

93. Where a building owner intends to erect within ten feet of a building belonging to an adjoining owner a building or structure any part of which within such ten feet extends to a lower level than the foundations of the building belonging to the adjoining owner he may and if required by the adjoining owner shall (subject as hereinafter provided) underpin or otherwise strengthen the foundations of the said building so far as may be necessary and the following provisions shall have effect:—

- (1) At least two months notice in writing shall be given by the building owner to the adjoining owner stating his intention to build and whether he proposes to underpin or otherwise strengthen the foundations of the said building and such notice shall be accompanied by a plan and sections showing the site of the proposed building and the depth to which he proposes to excavate:
- (2) If the adjoining owner shall within fourteen days after being served with such notice give a counter notice in writing that he disputes the necessity of or require such underpinning or strengthening a difference shall be deemed to have arisen between the building owner and the adjoining owner:
- (3) The building owner shall be liable to compensate the adjoining owner and occupier for any inconvenience loss or damage which may result to them by reason of the exercise of the powers conferred by this section:
- (4) Nothing in this section contained shall relieve the building owner from any liability to which he would otherwise be subject in case of injury caused by his building operations to the adjoining owner.

Security to be given by building owner and adjoining owner.

94. An adjoining owner may if he think fit by notice in writing require the building owner (before commencing any work which he may be authorised by this Part of this Act to execute) to give such security as may be agreed upon or in case of difference may be settled by the Judge of the County Court for the payment of all such expenses costs and compensation in respect of the work as may be payable by the building owner.

The building owner may if he think fit at any time after service on him of a party wall or party structure requisition by the adjoining owner and before beginning a work to which the requisition relates but not afterwards serve a counter requisition on the adjoining owner requiring him to give such security for payment of the expenses costs and compensation for which he is or will be liable as may be agreed upon or in case of difference may be settled as aforesaid.

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If the adjoining owner do not within one month after service of that counter requisition give security accordingly he shall at the end of that month be deemed to have ceased to be entitled to compliance with his party wall or party structure requisition and the building owner may proceed as if no party wall or party structure requisition had been served on him by the adjoining owner.

95.—(1) As to expenses to be borne jointly by the building owner and adjoining owner :—

Rules as to expenses in respect of party structures.

- (a) If any party structure be defective or out of repair the expense of making good underpinning or repairing the same shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner makes or may make of the structure ;
- (b) If any party structure be pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull it down the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the structure ;
- (c) If any timber or other partition dividing a building be pulled down in exercise of the right by this Part of this Act vested in a building owner and a party structure be built instead thereof the expense of building such party structure and also of building any additional party structures that may be required by reason of the partition having been pulled down shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of the party structure and to the thickness required for support of the respective buildings parted thereby ;
- (d) If any rooms or storeys or any parts thereof the property of different owners and intermixed in any building be pulled down in pursuance of the right by this Part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such rooms or storeys ;
- (e) If any arches or communications over public ways or over passages belonging to other persons than the owners of the buildings connected by such arches or communications or any parts thereof be pulled down in pursuance of the right by this Part of this Act vested in a building owner and be rebuilt in conformity with this Act the expense of such pulling down and

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rebuilding shall be borne by the building owner and adjoining owner in due proportion regard being had to the use that each owner may make of such arches or communications.

(2) As to expenses to be borne by the building owner:—

- (a) If any party structure or any external wall built against another external wall be raised or underpinned in pursuance of the power by this Part of this Act vested in a building owner the expense of raising or underpinning the same and of making good all damage occasioned thereby and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up shall be borne by the building owner;
- (b) If any party structure which is of proper materials and sound or not so far defective or out of repair as to make it necessary or desirable to pull it down be pulled down and rebuilt by the building owner the expense of pulling down and rebuilding the same and of making good any damage by this Part of this Act required to be made good and a fair allowance in respect of the disturbance and inconvenience caused to the adjoining owner shall be borne by the building owner;
- (c) If any party structure be cut into by the building owner the expense of cutting into the same and of making good any damage by this Part of this Act required to be made good shall be borne by such building owner;
- (d) If any footing chimney breast jambs or floor be cut away in pursuance of the powers by this Part of this Act vested in a building owner the expense of such cutting away and of making good any damage by this Part of this Act required to be made good shall be borne by the building owner;
- (e) If any party fence wall be raised for a building the expense of raising such wall shall be borne by the building owner;
- (f) If any party fence wall be pulled down and built as a party wall the expense of pulling down such party fence wall and building the same as a party wall shall be borne by the building owner.

If at any time the adjoining owner make use of any party structure or external wall (or any part thereof) raised or underpinned as aforesaid or of any party fence wall pulled down and built as a party wall (or any part thereof) beyond the use thereof made by him before the alteration there shall be borne by the adjoining owner from time to time a due proportion of the expenses (having regard to the use that the adjoining owner may make thereof):—

- (i) Of raising or underpinning such party structure or external wall and of making good all such damage occasioned thereby to

A.D. 1894.

the adjoining owner and of carrying up to the requisite height all such flues and chimney-stacks belonging to the adjoining owner on or against any such party structure or external wall as are by this Part of this Act required to be made good and carried up;

(ii) Of pulling down and building such party fence wall as a party wall.

96. Within one month after the completion of any work which a building owner is by this Part of this Act authorised or required to execute and the expense of which is in whole or in part to be borne by an adjoining owner the building owner shall deliver to the adjoining owner an account in writing of the particulars and expense of the work specifying any deduction to which such adjoining owner or other person may be entitled in respect of old materials or in other respects and every such work shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality and the market price of materials and labour at the time.

Account of expenses to be delivered to adjoining owner.

97. At any time within one month after the delivery of the said account the adjoining owner if dissatisfied therewith may declare his dissatisfaction to the building owner by notice in writing served by himself or his agent and specifying his objection thereto and thereupon a difference shall be deemed to have arisen between the parties and shall be determined in manner herein-before in this Part of this Act provided for the settlement of differences between building and adjoining owners.

Adjoining owner may object to account.

98. If within the said period of one month the adjoining owner do not declare in the said manner his dissatisfaction with the account he shall be deemed to have accepted the same and shall pay the same on demand to the party delivering the account and if he fail to do so the amount so due may be recovered as a debt.

Building owner may recover if no appeal made.

99. Where the adjoining owner is liable to contribute to the expenses of building any party structure then until such contribution is paid the building owner at whose expense the same was built shall stand possessed of the sole property in the structure.

Structure to belong to building owner until contribution paid.

100. The adjoining owner shall be liable for all expenses incurred on his requisition by the building owner and in default payment of the same may be recovered from him as a debt.

Adjoining owner liable to expenses incurred on his requisition.

101. Nothing in this Act shall authorise any interference with an easement of light or other easements in or relating to a party wall or take away abridge or prejudicially affect any right of any person to preserve or restore any light or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

Saving for lights in party walls &c.

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PART IX.

DANGEROUS AND NEGLECTED STRUCTURES.

Dangerous Structures.

Meaning of structure.

102. In this Part of this Act the expression "structure" includes any building wall or other structure and anything affixed to or projecting from any building wall or other structure.

Survey to be made of dangerous structures.

103.—(1) Where it is made known to the Council that any structure is in a dangerous state the Council shall require a survey of such structure to be made by the district surveyor or by some other competent surveyor.

(2) For the purposes of this Part of this Act the expression "district surveyor" shall be deemed to include any surveyor so appointed.

(3) The district surveyor shall make known to the Council any information which he may receive with respect to any structure being in a dangerous state.

(4) It shall be lawful for the district surveyor to enter into any structure or upon any land upon which any structure is situate for the purpose of making a survey of such structure.

Effect of this Part of Act within the City.

104. In cases where any such structure is situate within the City this Part of this Act relating to dangerous structures shall be read as if the Commissioners of Sewers were named therein instead of the Council and all costs and expenses of and all payments hereby directed to be made by or to such Commissioners shall be made by or to the Chamberlain of the City out of or to the consolidated rate made by such Commissioners in the same manner as payments are made by or to such Chamberlain in the ordinary course of his business.

Surveyor to give certificate.

105. Upon the completion of his survey the district surveyor employed shall certify to the Council his opinion as to the state of the structure.

Notice to be given to owner in respect of certificate.

106. If the certificate is to the effect that the structure is not in a dangerous state no further proceedings shall be had in respect thereof but if it is to the effect that the same is in a dangerous state the Council may cause the same to be shored up or otherwise secured and a proper hoard or fence to be put up for the protection of passengers and shall cause notice to be served on the owner or occupier of the structure requiring him forthwith to take down secure or repair the same as the case requires.

Proceedings to enforce compliance with notice.

107.—(1) If the owner or occupier on whom the notice is served fail to comply as speedily as the nature of the case permits with the notice a petty sessional court on complaint by the Council may

order the owner to take down repair or otherwise secure to the satisfaction of the district surveyor the structure or such part thereof as appears to the court to be in a dangerous state within a time to be fixed by the order and if the same be not taken down repaired or otherwise secured within the time so limited the Council may with all convenient speed cause all or so much of the structure as is in a dangerous condition to be taken down repaired or otherwise secured in such manner as may be requisite :

Provided that if the owner of the structure dispute the necessity of any of the requisitions comprised in the notice he may by notice in writing to the Council within seven days from the service of the notice upon himself require that the subject shall be referred to arbitration.

(2) In case the owner require arbitration he may at the time of giving such notice appoint an independent surveyor to report on the condition of the structure in conjunction with the district surveyor within seven days of the receipt by the Council of the notice of appointment of the owner's surveyor and all questions of fact or matters in dispute which cannot be agreed between the owner's surveyor and the district surveyor shall be referred for final decision to a third surveyor who shall (before the owner's surveyor and the district surveyor enter upon the discussion of the question in dispute) have been appointed to act as arbitrator by such two surveyors or in the event of their disagreeing by a petty sessional court on the application of either of them :

Such arbitrator shall make his award within fourteen days.

(3) The notice served by the Council shall be discharged amended or confirmed in accordance with the decision of the two surveyors or the arbitrator as the case may be.

(4) Unless the arbitrator otherwise direct the costs of and incident to the determination by the two surveyors or the arbitrator of the question in dispute shall be borne and paid in the event of such determination being adverse to the contention of the district surveyor by the Council or in the event of such determination being adverse to the contention of the owner's surveyor by the owner.

108. Notwithstanding any such notice requiring arbitration as aforesaid a petty sessional court on complaint by the Council may if of opinion that the structure is in such a dangerous condition as to require immediate treatment make any order which such court may think fit with respect to the taking down repairing or otherwise securing the structure. Court may make order notwithstanding arbitration.

109.—(1) All expenses incurred by the Council in relation to the obtaining of any order as to a dangerous structure and carrying Expenses.

A.D. 1894. the same into effect under this Part of this Act shall be paid by the owner of the structure but without prejudice to his right to recover the same from any person liable to the expenses of repairs.

(2) If the owner cannot be found or if on demand he refuse or neglect to pay the said expenses the Council after serving on him three months notice of their intention to do so may if in their discretion they think fit sell the structure but they shall after deducting from the proceeds of the sale the amount of all expenses incurred by them pay the surplus (if any) to the owner on demand.

Provisions respecting sale of dangerous structures.

110. Where under this Part of this Act any dangerous structure is sold for payment of the expenses incurred in respect thereof by the Council the purchaser his agents and servants may enter upon the land whereon the structure is standing for the purpose of taking down the same and of removing the materials of which it is constructed.

If proceeds insufficient land not to be built on till balance paid.

111. Where the proceeds of the sale of any such structure are insufficient to repay to the Council the amount of the expenses incurred by them in respect of such structure no part of the land whereon the structure stands or stood shall be built upon until after the balance due to the Council in respect of the structure has been paid.

Recovery of expenses.

112. If the materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover the expenses or the balance thereof from the owner of the building together with all costs in respect thereof in a summary manner.

Fees to surveyor.

113.—(1) There shall be paid to the district surveyor in respect of his services under this Part of this Act in relation to any dangerous structures the fees specified in Part II. of the Third Schedule to this Act.

(2) Provided that if any special service is required to be performed by the district surveyor under this Part of this Act for which no fee is specified in the said schedule the Council may order such fee to be paid for that service as they think fit.

(3) All fees paid to any surveyor by virtue of this section shall be deemed to be expenses incurred by the Council in the matter of the dangerous structure in respect of which such fees are paid and shall be recoverable by them from the owner accordingly.

Power to remove inmates from dangerous structure.

114. Where a structure has been certified by a district surveyor to be dangerous to its inmates a petty sessional court may if satisfied of the correctness of the certificate upon the application of the Council by order direct that any inmates of such structure be removed therefrom by a constable or other peace officer and if they have no other

abode he may require that they be received into the workhouse for the place in which the structure is situate. A.D. 1894.

Neglected Structures.

115.—(1) Where a structure is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a petty sessional court on complaint by the Council may order the owner to take down or repair or rebuild such structure (in this Act referred to as a neglected structure) or any part thereof or to fence in the ground upon which it stands or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Council within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing. Removal of dilapidated and neglected buildings.

(2) If the order is not obeyed the Council may with all convenient speed enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Council in executing the order may remove the materials to a convenient place and (unless the expenses of the Council under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Council under this section in relation to a neglected structure may be deducted by the Council out of the proceeds of the sale and the surplus (if any) shall be paid by the Council on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Council or if the proceeds of the sale are insufficient to defray the said expenses the Council may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Supplemental as to Dangerous and Neglected Structures.

116.—(1) Where the Council have incurred any expenses in respect of any dangerous or neglected structure and have not been paid or have not recovered the same a petty sessional court on complaint by the Council may make an order fixing the amount of such expenses and the costs of the proceedings before such petty sessional court and directing that no part of the land upon which Provision for enforcing repayment of expenses incurred by Council.

A.D. 1894. such dangerous or neglected structure stands or stood shall be built upon or that no part of such dangerous or neglected structure if repaired or rebuilt shall be let for occupation until after payment to the Council of the said amount and thereupon and until payment to the Council of the said amount no part of such land shall be built upon and no part of such dangerous or neglected structure so repaired or rebuilt shall be let for occupation.

(2) Every such order shall be made in duplicate and one copy of such order shall be retained by the proper officer of the court and the other copy shall be kept at the county hall.

(3) The Council shall keep at the county hall a register of all orders made under this section and shall keep the same open for inspection by all persons at all reasonable times and any such order not entered in such register within ten days after the making thereof shall cease to be of any force. No property shall be affected by any such order unless and until such order is entered in such register.

Fees on dangerous or neglected structures to Council.

117. The fees specified in Part IV. of the Third Schedule to this Act as payable to the Council shall be payable to and may be recovered in a summary way by the Council.

PART X.

DANGEROUS AND NOXIOUS BUSINESSES.

Regulations for building near dangerous business.

118.—(1) No person shall erect any building nearer than fifty feet to a building used for any dangerous business to which this section applies.

(2) Provided that where a building erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such dangerous business is pulled down burnt or destroyed by tempest such building may be rebuilt.

(3) No person shall establish or carry on a dangerous business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any other building or any vacant ground belonging to any person other than his landlord.

(4) The following businesses shall be deemed to be dangerous businesses within the meaning of this section (that is to say) The business of the manufacture of matches ignitable by friction or otherwise or of other substances liable to sudden explosion inflammation or ignition or of turpentine naphtha varnish tar resin or Brunswick black and any other manufacture dangerous on account

of the liability of the materials or substances employed therein to cause sudden fire or explosion. A.D. 1894.

119.—(1) No person shall erect any dwelling-house nearer than fifty feet to a building used for any noxious business to which this section applies. Regulations for building near noxious business.

(2) Provided that where a dwelling-house erected before the ninth day of August one thousand eight hundred and forty-four within fifty feet from any building for the time being used for any such noxious business is pulled down burnt or destroyed by tempest such dwelling-house may be rebuilt.

(3) Subject to the provisions of the next following section no person shall establish or carry on a noxious business to which this section applies in any building or vault or in the open air at a less distance than forty feet from any public way or than fifty feet from any dwelling-house.

(4) The following businesses shall be deemed to be noxious businesses within the meaning of this section (that is to say) The business of a blood boiler or bone boiler and any other like business which is offensive or noxious but nothing in this section shall apply to any of the following businesses namely the businesses of a soap boiler tallow melter knacker fellmonger tripe boiler and slaughterer of cattle or horses.

120. The following provisions shall apply to any noxious business existing before the ninth day of August one thousand eight hundred and forty-four:— Provisions as to certain old noxious businesses.

(1) If any party charged with carrying on such business show that in carrying on such business all the means known to be available for mitigating the effect of such business have been adopted then it shall be lawful for the petty sessional court to remit or mitigate the penalty Provided further that if it shall appear to the said court or to the court of quarter sessions whether on appeal or on trial by jury as herein-after provided that the person carrying on any such business shall have made due endeavours to carry on the same with a view to mitigate so far as possible the effects of such business then although he have not adopted all or the best means available for the purpose yet it shall be lawful for the court to suspend the execution of their order upon condition that within a reasonable time to be named the party convicted do adopt such other or better means as to the court shall seem fit or before passing final sentence and without consulting the prosecutor to make such other order touching the carrying on of such business as the court shall think fit for preventing the nuisance in future Provided always that if the matter come before

A.D. 1894.

any superior court it shall be lawful for such court to exercise such power of mitigating or remitting such penalty or of suspending the execution of any judgment order or determination in the matter or to make such order touching the carrying on of such business as to the court shall seem fit :

(2) Any person dissatisfied with the decision of the petty sessional court may appeal to the court of quarter sessions in manner provided by the Summary Jurisdiction Acts :

(3) If before conviction by the petty sessional court the person complained against desire to have the matter tried by a jury and enter into a recognizance to try such matter without delay and to pay all costs of trial if a verdict be found against him then such matter shall be tried at the next practicable court of quarter sessions or whensoever that court shall appoint and if that court shall think fit it shall be lawful for them to authorise the jury to view the place in question in such manner as they shall direct and the jury shall inquire and try and determine by their verdict whether the business in question be offensive or noxious and whether the party in question have done any act whereby the penalty imposed by this Act in respect thereof has been incurred and subject to the power herein-before conferred of mitigating such penalty or suspending their judgment order or determination thereon or making such order touching the carrying on of the business the said court shall give judgment according to such verdict and shall award the penalty (if any) incurred by the defendant and shall and may (if they see fit) award to either of the parties such costs as they may deem reasonable which verdict and the judgment award order or determination thereon shall be binding and conclusive.

Saving for
gasworks and
distilleries.

121. The provisions of this Part of this Act relating to dangerous and noxious businesses shall not apply to any public gasworks nor to any premises used for the purpose of distillation or the rectification of spirits under the survey of the Commissioners of Inland Revenue or their officers.

PART XI.

DWELLING-HOUSES ON LOW-LYING LAND.

Dwelling-
houses on
low-lying
land.

122. It shall not be lawful for any person upon land of which the surface is below the level of Trinity high-water mark and which is so situate as not to admit of being drained by gravitation into an existing sewer of the Council to erect any building to be used wholly or in part as a dwelling-house or to adapt any building to be used wholly or in part as a dwelling-house except with the permission of

the Council and subject to and in accordance with such regulations as the Council may from time to time prescribe with reference to the erection of buildings on such land :

And the Council may by such regulations (subject to appeal as herein-after provided)—

- (i) Prohibit the erection of dwelling-houses or the adaptation of any buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (ii) Regulate the erection of dwelling-houses or the adaptation of buildings for use as dwelling-houses on such land or any defined area or areas of such land ;
- (iii) Prescribe the level at which the under side of the lowest floor of any permitted building shall be placed on such land or any defined area or areas of such land and as to the provision to be made and maintained by the owner for securing efficient and proper drainage of the buildings either directly or by means of a local sewer into a main sewer of the Council :

Any person seeking to erect any dwelling-house or any building any part of which is to be used as a dwelling-house or to adapt any building or any part of a building for use as a dwelling-house on any of such land shall make application to the Council for a licence to erect the same and the matter shall thereupon be referred to the chief engineer of the Council who shall decide whether and if so upon what conditions such erection or adaptation may be permitted and any such decision shall be given by the said engineer by a certificate in writing under his hand Any person objecting to the refusal of the Council to permit on such land or any defined area or areas of such land the erection of any dwelling-house or the adaptation for use as a dwelling-house of any building or to any regulation made by the Council under this Part of this Act or to any decision of the said engineer or as to the reasonableness of any requirement or condition made by him may appeal to the tribunal of appeal.

123. The Council may with the concurrence of the tribunal of appeal from time to time make regulations prescribing the procedure to be followed by persons making applications under this Part of this Act.

Power to make regulations.

124.—(1) Regulations made by the Council under this Part of this Act shall have no force until a copy thereof shall have been published in the London Gazette and it shall be the duty of the Council to give notice of every such regulation by publishing a copy thereof in two or more London daily newspapers and if there be a

Publication and copies of regulations.

A.D. 1894. — local newspaper circulating in the parish or district to which such regulation applies then also in such local newspaper.

(2) Printed copies of every regulation from time to time in force under this Part of this Act shall be kept at the county hall and shall be supplied free of charge to any person concerned who may apply for the same.

PART XII.

SKY SIGNS.

Sky signs. **125.** In this Part of this Act the expression—

“Sky sign” means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any building or structure which or any part of which sky sign shall be visible against the sky from any point in any street or public way and includes all and every part of any such post pole standard framework or other support. The expression “sky sign” shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

- (i) Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;
- (ii) Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building on the cornice or blocking course of any wall or to the ridge of a roof provided that such board frame or other contrivance be of one continuous face and not open work and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported; or
- (iii) Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway railway station yard platform or station approach or premises belonging to a railway company and which is also so placed that it could not fall into any street or public place.

126. For the purpose of giving effect to the provisions of this Part of this Act the district surveyor of each district acting under this Act shall inspect and survey sky signs in his district and report from time to time to the Council.

A.D. 1894.

District
surveyor to
act for
purposes
of this Part
of Act.

The expression "the surveyor" in this Part of this Act means the district surveyor so acting within his district.

127. From and after the commencement of this Act it shall be unlawful to erect any sky sign as defined in this Act.

Prohibition
of future
sky signs.

128. From and after the commencement of this Act it shall be unlawful to retain any sky sign as defined in this Act which previously to the passing of this Act shall have been erected except in pursuance of and in accordance with the terms of a licence granted or renewed before the passing of this Act by the Council or by the Commissioners of Sewers as the case may be under the provisions of the London Sky Signs Act 1891 as amended by section 17 of the London County Council (General Powers) Act 1893 or renewed after the passing of this Act as herein-after provided.

Regulation
of existing
sky signs.

129.—(1) A licence granted under the provisions of the London Sky Signs Act 1891 and renewed under the same Act may on the expiration of the period for which such renewal was granted be renewed for one further period of two years but not longer.

Renewal of
licence.

(2) A licence granted under the provisions of the London Sky Signs Act 1891 as amended by section 17 of the London County Council (General Powers) Act 1893 after the twenty-fourth day of August one thousand eight hundred and ninety-three may be renewed from the expiration of a period of two years from the date of issue of such licence for a further period of two years and on the expiration of that period for one other period of two years making with the original term of the licence six years in all but not longer.

(3) Every person desirous of obtaining a renewal of a licence to retain a sky sign for any such period as aforesaid may make application to the surveyor for an inspection and survey of such sky sign and such application shall be dealt with as herein-after provided and any person who shall have obtained a certificate from the surveyor after any such inspection and survey in accordance with the provisions herein-after contained may at any time within fourteen days from the issue thereof forward the same to the Council with an application for a licence from the Council to retain the same sky sign and every such application for a licence shall be accompanied by a fee of five shillings which shall be paid to the Council for and in respect of the registration of the licence and the Council shall thereupon grant to such person a licence for the retention of

A.D. 1894. such sky sign for a period of two years from the date of the issue of such licence.

(4) Every such application to the surveyor for the inspection and survey of a sky sign shall be accompanied by a payment of two guineas to such surveyor which shall be his fee for the inspection and survey and for the grant or refusal of the certificate as the case may be and it shall not be lawful for the surveyor to demand or receive any further fee or payment in respect thereof.

(5) The surveyor shall either grant a certificate that in his opinion the sky sign is so placed constructed and supported as not to be likely to involve danger to the public or he shall refuse to grant such certificate in which case he shall state the grounds of such refusal and such certificate or refusal shall be in the form set out in this section with such modifications if any as the circumstances may require:—

FORM OF CERTIFICATE.

LONDON BUILDING ACT 1894.

District of

Whereas *A.B.* of _____ has made application to me pursuant to the London Building Act 1894 to inspect and survey a sky sign erected at _____ I hereby certify that I have inspected and surveyed the same and in my opinion the said sky sign may be retained as now constructed for two years from the date hereof without being likely to cause danger to the public.

Dated this _____ day of _____ 189 .
(Signed)

C.D.
Surveyor.

FORM OF REFUSAL OF CERTIFICATE.

LONDON BUILDING ACT 1894.

District of

Whereas *A.B.* of _____ has made application to me pursuant to the London Building Act 1894 to inspect and survey a sky sign erected at _____ I hereby certify that I have inspected and surveyed the same and I refuse to certify that the said sky sign is so constructed as not to be likely to cause danger to the public for the following reasons—

Dated this _____ day of _____ 189 .
(Signed)

C.D.
Surveyor.

130.—(1) Where the surveyor refuses to grant a certificate applied for under this Act the applicant may if he think fit and can lawfully do so execute such repairs to or alterations in or modifications of the sky sign as shall meet the objections thereto as stated in the form of refusal and may thereupon make a further application to the surveyor to inspect and survey the sky sign.

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Alteration of
sky signs
to meet
surveyor's
require-
ments.

(2) If the surveyor on re-inspection and re-survey be of opinion that the sky sign has been so repaired altered or modified that it is not likely to involve danger to the public he shall grant a certificate under this Act with respect to such sky sign and an application for licence thereof may be made as in this Act provided.

(3) Every such application to the surveyor to re-inspect and re-survey a sky sign and for a certificate in respect thereof shall be accompanied by a payment of one guinea to such surveyor which shall be his fee for such re-inspection and re-survey and for the grant or refusal of a certificate thereupon as the case may be and it shall not be lawful for the surveyor to demand or receive any further fee or payment in respect thereof.

131. Where the surveyor refuses to grant a certificate applied for under this Act it shall be the duty of the surveyor forthwith to forward a copy of his refusal to the Council.

Notice of
refusal of
certificate to
be sent to
the Council.

132. Where the surveyor refuses to grant a certificate under this Act it shall be lawful for the applicant at any time within fourteen days after the date of such refusal to make application to the tribunal of appeal by way of appeal against such refusal and such appeal shall be accompanied by a copy of the form of refusal by the surveyor.

Appeal
against
refusal of
certificate.

133. In any of the following cases a licence under this Act shall become void viz. :—

Forfeiture
licence.

- (i) If any addition to any sky sign be made except for the purpose of making it secure under the direction of the surveyor;
- (ii) If any change be made in the sky sign or any part thereof;
- (iii) If the sky sign or any part thereof fall either through accident decay or any other cause;
- (iv) If any addition or alteration be made to or in the house building or structure on over or to which any sky sign is placed or attached if such addition or alteration involves the disturbance of the sky sign or any part thereof;
- (v) If the house building or structure over on or to which the sky sign is placed or attached become unoccupied or be demolished or destroyed.

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Removal of
sky signs.

134. If any sky sign be erected or retained contrary to the provisions of this Act or after the licence for the maintenance or retention thereof for any period shall have become void it shall be lawful for the Council to take proceedings for the taking down and removal of the sky sign in the same manner in all respects as if it were a structure certified to be in a dangerous state under Part IX. of this Act except that the provisions of the said Part with respect to arbitration shall not apply and it shall be lawful for the Council or any officers servants or workmen appointed by them for that purpose (after obtaining the order of a petty sessional court for the taking down of the sky sign and after the expiration of the period (if any) fixed by such order for taking down the same) to enter upon the land building or premises on or over which the sky sign is erected and to take down and remove the sky sign and to execute and do any works which may be necessary for that purpose and for leaving any building to which the same was attached in a condition of safety and all the expenses of and incidental to any such work shall be repaid and be recoverable as though the same were a penalty imposed by this Act.

For the purpose of any such proceeding the expression "the owner" in the said Part of this Act shall mean the occupier of the house building or structure on or to which the sky sign is erected or attached or if the house building or structure is unoccupied then the person who would be the owner thereof within the meaning of this Act.

Application
of this Part
of Act
within the
City.

135. As regards the City this Part of this Act shall be read and have effect as if the Commissioners of Sewers were named therein instead of the Council and all costs and expenses of such Commissioners in the execution of this Part of this Act shall be paid out of their consolidated rate as part of the expenses of such Commissioners.

PART XIII.

SUPERINTENDING ARCHITECT AND DISTRICT SURVEYORS.

Power for
council to
appoint
superintend-
ing architect.

136.—(1) The Council may for the purpose of aiding in the execution of this Act appoint some fit person to be called "the superintending architect of metropolitan buildings" together with such number of clerks as they think fit.

(2) Such architect and clerks shall be removable by the Council and perform such duties as the Council direct.

(3) The superintending architect shall not practise as an architect or follow any other occupation.

(4) There shall be paid to the superintending architect and clerks such salaries as the Council may direct. A.D. 1894.

(5) Subject to the foregoing provisions of this section the person who at the commencement of this Act is the superintending architect of metropolitan buildings shall continue to be the superintending architect under this Act.

137. If the superintending architect is prevented by illness infirmity or any other unavoidable cause from attending to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be temporarily prevented from executing them. Power of superintending architect to appoint deputy.

138. Subject to the provisions of this Act and to the exemptions in this Act mentioned every building or structure and every work done to in or upon any building or structure and all matters relating to the width and direction of streets the general line of buildings in streets the provision of open spaces about buildings and the height of buildings shall be subject to the supervision of the district surveyor appointed to the district in which the building or structure is situate. Buildings to be supervised by district surveyors.

139.—(1) The Council shall have the following powers with regard to the district surveyors and their districts (that is to say) :— Powers of council as to surveyors and districts.

(a) They may alter the limits of the district of any district surveyor or unite any two or more such districts and place any such altered district under the supervision of any district surveyor and do all such matters and things as are necessary for carrying into effect the power hereby given ;

(b) They may dismiss or suspend any district surveyor and in case of any suspension or during any vacancy may appoint a temporary substitute provided that their dismissal of a district surveyor who held such office before the fourteenth day of August one thousand eight hundred and fifty-five shall be subject to the consent of a Secretary of State ;

(c) On a vacancy occurring in the office of a district surveyor they may appoint another qualified person in his place ;

(d) They may pay such amount of compensation as they think fit or as in case of disagreement shall be determined by the tribunal of appeal to any district surveyor who is deprived of his office in pursuance of the power hereby given of altering the limits of districts.

(2) Subject to the foregoing provisions of this section the districts existing at the commencement of this Act shall continue to be districts for the purposes of this Act and the several persons who at

A.D. 1894. the commencement of this Act are district surveyors shall continue to be district surveyors under this Act.

Examination of candidates for office of surveyor.

140. The Royal Institute of British Architects may cause to be examined by such persons and in such manner as they think fit all candidates presenting themselves for the purpose of being examined as to their competency to perform the duties of district surveyor and shall grant certificates of competency to the candidates found deserving of the same and a person who has not already filled the office of district surveyor shall not be qualified to be appointed to that office unless he has received a certificate of competency from the said institute or has been examined in such other manner as the Council may direct and been found competent in such examination.

Surveyor to have an office.

141. Every district surveyor shall have and maintain an office at his own expense in such part of his district as may be approved by the Council and the Council shall forthwith communicate to the local authority any change in the office of such district surveyor.

Power of surveyor to appoint deputy.

142. If any district surveyor is prevented by illness infirmity or any other unavoidable circumstance from attending to the duties of his office he may with the consent of the Council appoint some other person as his deputy to perform all his duties for such time as he may be prevented from executing them.

Power to appoint assistant surveyor.

143. Where it appears to the Council that on account of the pressure of business in any district or on any other account the surveyor of that district cannot discharge his duties promptly and efficiently the Council may direct any other district surveyor to assist the surveyor of that district in the performance of his duties or appoint some other person to give such assistance and the assistant surveyor shall be entitled to receive all fees payable in respect of the services performed by him.

Surveyor not to act in case of works under his professional superintendence.

144. If any building or structure be executed or any work done to in or upon any building or structure by or under the superintendence of any district surveyor acting professionally or on his own private account that surveyor shall not survey such building or structure for the purpose of this Act or act as district surveyor in respect thereof or in any matter connected therewith but it shall be his duty to give notice to the Council who shall then appoint some other district surveyor to act in respect of the matter.

Notices to be given to surveyor by builder.

145. In the following cases and at the following times (that is to say) :—

- (a) Where a building or structure or work is about to be begun then two clear days before it is begun ; and

(b) Where a building or structure or work is after the commencement thereof suspended for any period exceeding three months then two clear days before it is resumed; and

(c) Where during the progress of a building or structure or work the builder employed thereon is changed then two clear days before a new builder enters upon the continuance thereof;

the builder or other person causing or directing the work to be executed shall serve on the district surveyor a building notice respecting the building or structure or work. Every building notice shall state the situation area height number of storeys and intended use of the building or structure and the number of buildings or structures if more than one and the particulars of the proposed work and the name and address of the person giving the notice and those of the owner then in possession of and the occupier of the building or structure or of its site or intended site. All works in progress at the same time to in or on the same building or structure may be included in one building notice.

146. Every district surveyor shall upon the receipt of any such notice as aforesaid and also upon any work being observed by or made known to him which is affected by the provisions of this Act or byelaws made thereunder but in respect of which no notice has been given and also from time to time during the progress of any work affected by such provisions and byelaws as often as may be necessary for securing the due observance of such provisions and byelaws survey any building or work hereby placed under his supervision and cause all such provisions and byelaws to be duly observed.

Surveyor
to enforce
execution
of Act.

147. Every notice served in pursuance of this Act shall be deemed in any question relative to any building structure or work to be primâ facie evidence as against the builder of the nature of the building structure or work proposed to be built or done.

Notice to be
evidence of
intended
works.

148.—(1) The district surveyor of any district at all reasonable times during the progress and during fourteen days next after the completion of any building structure or work in such district affected by any of the provisions of this Act or by any byelaws made thereunder or by any terms or conditions on which the observance of any such provisions or byelaws may have been dispensed with may enter and inspect such building structure or work.

Power of
entry to
inspect
buildings.

(2) The district surveyor may for the purpose of ascertaining whether any buildings erected in those premises are in such a situation or possess such characteristics as are required in order to exempt them from the operation of this Part of this Act at all reasonable times and after reasonable notice enter any premises

A.D. 1894. — except buildings exempt from the operation of Parts VI. and VII. of this Act and he may do therein all such things as are reasonably necessary for the above purpose.

In case of emergency works to be commenced without notice.

149. Where by reason of any emergency any act or work is required to be done immediately or before notice can be given as aforesaid such act or work may be done on condition that before the expiration of twenty-four hours after it has been begun notice thereof is served on the district surveyor.

As to service of notice of objection on builder or building owner.

150. Where it appears from the building notice served on the district surveyor under this Act that it is proposed to erect any building or structure or to do any work to in or upon any building which will be in contravention of this Act or that anything required by this Act is proposed to be omitted the district surveyor shall serve upon the builder or building owner a notice of objection to such proposed erection and in the event of the builder or the building owner being dissatisfied with the decision of the surveyor he may within fourteen days of the date of the notice of objection appeal to a petty sessional court who may make an order either affirming the objection or otherwise.

Notice by surveyor in case of irregularity.

151. In any of the following cases (that is to say) :—

- (a) where in erecting any building or structure or in doing any work to in or upon any building anything is done in contravention of this Act or anything required by this Act is omitted to be done ; or
- (b) where the district surveyor on surveying or inspecting any building or work in respect of which notice has not been served as required by this Part of this Act finds that the same is so far advanced that he cannot ascertain whether anything has been done in contravention of this Act or whether anything required by this Act has been omitted to be done ;

the district surveyor shall serve on the builder engaged in erecting such building or structure or in doing such work a notice (hereinafter referred to as a notice of irregularity) requiring him within forty-eight hours from the date of the notice to cause anything done in contravention of this Act to be amended or to do anything required to be done by this Act which has been omitted to be done or to cause so much of any building structure or work as prevents such district surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into laid open or pulled down.

Notice of irregularity

152.—(1) In order to provide for the service of a notice of irregularity after and notwithstanding that the building or structure

has ceased to be in charge of or under the control of the builder the following provisions shall have effect:—

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after completion of building.

(a) If notice in writing shall have been served upon the district surveyor by the builder or owner of the date at which such building has ceased to be in the charge of or under the control of the builder then at any time before the expiration of fourteen days after the service of such notice a notice of irregularity may if the district surveyor thinks fit be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any);

(b) Where no such notice shall have been served upon the district surveyor a notice of irregularity may at any time within twenty-one days after completion of the building or structure be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(2) When the owner of the building or structure does not allow the builder to comply with the requisition of a notice of irregularity served on the builder and the builder serves notice on the district surveyor to that effect a notice of irregularity may at any time within fourteen days after service of the notice by the builder on the district surveyor be served on the owner or occupier of the building or structure or other the person causing or directing or who has caused or directed the work instead of or in addition to the builder (if any).

(3) When a notice of irregularity is served under this section the provisions of this Act as to the consequences of such a notice so far as they relate to the builder shall apply to the owner occupier or other person served.

(4) Nothing in this section shall prejudice any remedy of an owner occupier or other person against the builder.

153.—(1) If the person on whom the notice of irregularity is served make default in complying with that notice within the period named therein a petty sessional court on complaint made in a summary manner as provided by the Summary Jurisdiction Acts by the district surveyor may make an order on such person requiring him to comply with the notice or with any requisitions therein which may in the opinion of the court be authorised by this Act within a time to be named in the order.

Summary proceedings on non-compliance with notice.

(2) If the order be not complied with the Council may if they think fit after giving seven days' notice to such person enter with a sufficient number of workmen upon the premises and do all such

A.D. 1894. — things as may be necessary for enforcing the requisitions of the notice and for bringing any building or work into conformity with the provisions of this Act and all expenses incurred by the Council in so doing may be recovered in a summary way either from the person on whom the order was made or from the owner of the premises.

Payments to surveyors for ordinary and special services.

154.—(1) There shall be paid by the builder or in his default by the owner or occupier as the case may be of the building or structure in respect whereof the same are chargeable to every district surveyor in respect of the several matters mentioned in Parts I. and III. of the Third Schedule to this Act the fees therein specified or such other fees not exceeding the amounts therein specified as may be directed by the Council.

(2) If in consequence of any reduction being made by the Council in the amount of the said fees the income of any existing district surveyor is diminished the Council shall grant to him compensation in respect of such diminution.

Council to pay district surveyor in relation to formation of streets &c.

155. The Council shall pay to the district surveyor such fees as the Council shall from time to time determine in respect of any service required to be performed by the district surveyor in relation to the formation or laying out of streets lines of building frontage and any like service which the district surveyor may be required to perform under this Act.

Fees in relation to evidence before tribunal.

156. The Council shall pay to the district surveyor such fees as may be from time to time appointed by the tribunal of appeal in respect of any work done by the district surveyor in relation to the preparation of evidence and giving the same before the tribunal of appeal.

Periods when surveyors entitled to fees.

157.—(1) At the expiration of the following periods (that is to say) :—

- (a) Of fourteen days after the roof of any building surveyed by a district surveyor under this Act has been covered in; and
- (b) Of fourteen days after the completion of any work by this Act placed under the supervision of a district surveyor; and
- (c) Of fourteen days after any special service in respect of any building structure or land has been performed by a district surveyor;

the district surveyor shall be entitled to receive the fees due to him from the builder employed in erecting such building or structure or in doing such work or in doing any matter in respect of which any special service has been performed by the surveyor or from the owner or occupier of the building or structure so erected or in respect of which such work has been done or service performed or of

the land in upon or in respect of which such work has been done or service performed. A.D. 1894.

(2.) If any such builder owner or occupier refuses to pay the said fees they may be recovered in a summary manner on its being shown to the satisfaction of the court that a proper bill specifying the amount of the fees was delivered to him or sent to him in a registered letter addressed to his last known residence.

158.—(1.) The Council may at any time by order cause such fixed salary as they may determine to be paid to any district surveyor by way of remuneration instead of fees so that the amount of such remuneration be not less than the amount of the average of the fees for the last seven completed years preceding such determination and thereupon the fees which would have been payable to such district surveyor in pursuance of this Act shall be paid to the Council and carried to the credit of the county fund. Power of Council to pay salaries to surveyors.

(2.) The Council may at any time provide either wholly or partially for the payment of salaries to the district surveyors or to any of them out of the county fund and may thereupon abolish or reduce any fees by this Act made payable to the district surveyors.

159. The Council may in any case where they shall think fit so to do undertake on behalf of a district surveyor any proceedings which would otherwise be undertaken by such district surveyor or may pay the costs incurred by any district surveyor in any proceedings taken by him under this Act. Council may proceed on behalf of district surveyor.

Returns by District Surveyors.

160. Every district surveyor shall within seven days after the first day of every month make a return to the Council in such manner as they may appoint of all notices and complaints received by him relative to the business of his district and the results thereof and of all matters brought by him before any petty sessional court and of all the several works supervised and special services performed by him in the exercise of his office within the previous month and of all fees charged or received in respect thereof and shall specify in such return the description and locality of every building which has been built rebuilt enlarged or altered or on which any work has been done under his supervision with the particular nature of every work in respect of which any fee has been charged or received. Monthly returns by district surveyor to Council.

161. Every such return shall be signed by the district surveyor and shall be deemed to be a certificate that all the works enumerated therein as completed have been done in all respects in accordance Return to be a certificate that works are in

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accordance
with Act.Audit of
accounts of
fees charged
by district
surveyor.

with this Act to the best of his knowledge and belief and that they have been duly surveyed by him.

162. The superintending architect or such other officer as the Council appoint shall examine the monthly returns of the district surveyors and if any fees therein specified appear to him to be unauthorised by this Act or to exceed in amount the fees so authorised or if any such account appears to be in any respect fraudulent or incorrect he shall make his report in writing to that effect to the Council who shall thereupon take such steps in the matter as they deem expedient.

District
surveyor to
notify certain
irregularities
to the
Council.

163. Every district surveyor shall forthwith notify to the Council any actual or probable contravention of the provisions of this Act in relation to any matter or thing with which it is not within his competency to deal of which notice or information has been given to him or which he has discovered.

PART XIV.

BYELAWS.

Power to
Council to
make
byelaws.

164.—(1) Subject to the provisions of this Act the Council may make such byelaws not repugnant or contrary to the provisions of this Act as they may think expedient for the better carrying into effect the objects and powers of this Act with respect to the following matters (that is to say):—

The regulation of the plans level width surface and inclination of new streets and for regulating the plans and level of sites for new buildings ;

The forms of notice and other documents to be used for the purposes of this Act and other like matters of procedure ;

Foundations and sites of buildings and other erections ;

The mode in which and the materials with which such foundations and sites are to be made excavated filled up prepared and completed for securing stability and for purposes of health ;

The thickness and the description and quality of the substances of which walls may be constructed for securing stability the prevention of fires and for purposes of health ;

The dimensions of wooden bressummers ;

The dimensions of joists of floors ;

The protection of ironwork used in the construction of buildings from the action of fire ;

Woodwork in external walls ;

The description and quality of the substances of which plastering may be made ;

The mode in which and the materials with which any excavation made within a line drawn outside the external walls of a house

building or other erection and at a uniform distance therefrom of three feet shall be filled up;

The regulation of lamps signs or other structures overhanging the public way not being within the City;

Provided that any such byelaws as to the regulation of lamps signs and other overhanging structures shall be administered by the local authority;

The means of escape from fire in buildings exceeding sixty feet in height;

The duties of district surveyors in relation to any byelaws made in pursuance of this section;

The deposit with district surveyors of any plans of buildings submitted for their certificate;

The regulation of the amounts of the fees to be paid to district surveyors in respect of their duties under any such byelaws;

The imposition for every offence committed against any byelaws made under this Act of a penalty not exceeding five pounds and a daily penalty not exceeding two pounds for every day during which such offence continues after conviction Such penalties to be recovered by summary proceedings.

(2) The Council may provide by any byelaw that in any case in which the Council think it expedient they may dispense with the observance of any byelaw made under this section on such terms and conditions (if any) as they think proper.

(3) No byelaw shall have any force or effect unless or until it shall have been submitted to and confirmed at a meeting of the Council subsequent to that at which the byelaw shall have been made nor shall any byelaw have any force or effect until the same shall have been allowed by the Local Government Board.

(4) Not less than two months before applying to the Local Government Board for the allowance of any such byelaws the Council shall give such notice of their intended application by advertisement in the London Gazette and otherwise as the Local Government Board shall direct and the Council shall send a copy of the proposed byelaws as approved by them to the local authority the Ecclesiastical Commissioners the Royal Institute of British Architects the Surveyors' Institution the London Chamber of Commerce (Incorporated) and to the Institute of Builders and to such other societies and persons as the Local Government Board may direct and for one month at least before any such application a copy of the proposed byelaws shall be kept at the county hall and shall be open during office hours thereat to inspection without charge.

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(5) All byelaws made and confirmed and allowed as aforesaid in pursuance of this Act shall be published in the London Gazette and printed and hung up at the county hall and be open to public inspection without payment and copies thereof shall be delivered to any person applying for the same on payment of such sum not exceeding two pence as the Council shall direct and such byelaws when so published shall come into operation upon a date to be fixed by the Local Government Board in allowing the byelaws and the production of a printed copy of such byelaws authenticated by the seal of the Council shall be evidence of the existence and of the due making allowance and publication of such byelaws in all prosecutions or other proceedings under the same without adducing proof of such seal or of the fact of such making confirmation allowance or publication of such byelaws.

Saving for
the City of
London.

165. No byelaw in respect of any matter from which the City is exempted by this Act or by any Act hereby repealed shall have any force or effect within the City.

PART XV.

LEGAL PROCEEDINGS.

Summary
proceedings
for offences
&c. and
recovery of
penalties.

166. All offences penalties costs and expenses under this Act or any byelaw made under this Act directed to be prosecuted or recovered in a summary manner or the prosecution or recovery of which is not otherwise provided for may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts.

Proceedings
by surveyor.

167. Any proceedings taken by a district surveyor may be continued by his duly appointed deputy or successor in the office.

Powers of
and appeal
from county
court.

168. Where jurisdiction is by this Act given to a county court that court may settle the time and manner of executing any work or of doing any other thing and may put the parties to the case upon such terms as respects the execution of the work as the court thinks fit:

Provided that any person shall have the same right of appeal from any decision of a county court in any matter in which jurisdiction is given to such court by this Act as he would have under the County Courts Act 1888 from any decision of such court in any matter.

Application
of penalties.

169. Notwithstanding anything in any other Act one half of all penalties recovered by the Council under this Act shall be paid to the Council. Provided that it shall be lawful for any court by whom any penalty is imposed under this Act to direct that the whole or

part thereof shall be applied in or towards payment of the costs of the proceedings. A.D. 1894.

170. Where any person has been convicted of an offence against any of the provisions of any Part of this Act or any byelaw made thereunder by constructing erecting adapting extending raising altering uniting or separating any building or structure or any part of any building or structure in contravention of any provisions of any Part of this Act it shall be lawful for the Council after giving fourteen days notice to such person to bring such building or structure into conformity with the said provisions and after default shall have been made in complying with such notice and notwithstanding the imposition and recovery of any penalty to cause complaint thereof to be made before a petty sessional court who may thereupon issue a summons requiring the person making such default as aforesaid to appear to answer such complaint and if the said complaint is proved to the satisfaction of the court the court may make an order in writing authorising the Council and it shall thereupon be lawful for the Council to enter upon such building or structure with a sufficient number of workmen and to demolish or alter such building or structure or any part thereof so far as the same shall have been adjudged to be in contravention of this Act or any byelaw under this Act and to do whatever other acts may be necessary for such purpose and to remove the materials to some convenient place and if in their discretion they think fit sell the same in such manner as they may think fit and all expenses incurred by the Council in demolishing or altering such building or structure or any part thereof and in doing such other acts as aforesaid or the balance of such expenses after deducting the proceeds of sale of the aforesaid materials (if the Council thinks fit to sell the same) may be recovered from the person committing the offence aforesaid in a summary manner.

Council may demolish buildings and sell materials and recover expenses.

If the proceeds of such sale shall be more than sufficient to defray such expenses the Council shall restore the surplus of such proceeds after deducting the amount of all such expenses to the owner of the building or structure on demand.

171. The powers conferred by this Part of this Act upon the Council with respect to any building or structure in case such building or structure has been erected extended or raised contrary to the provisions of this Act beyond the general line of buildings in the street place or row of houses in which the same is situate shall extend and apply to and may be exercised by the local authority in like manner as by the Council.

Procedure by local authorities in case of buildings in advance of general line.

172. Where by any provision of this Act any surplus of the proceeds of the sale of any building structure or materials is made payable to any owner thereof and no demand is made by any person

Payment of surplus of proceeds into court.

A.D. 1894.

entitled thereto within one year of the receipt of the proceeds by the Council then the same shall be paid into the Bank of England (Law Courts Branch) to the account of the Paymaster-General for the time being for and on behalf of the Supreme Court of Judicature to be placed to the credit of "ex parte the London County Council London Building Act 1894 the account of" the owner (describing him so far as reasonably practicable) subject to the control of the High Court and to be paid out to the owner on his proving his title thereto.

Payment of
expenses by
owners.

173. Where it is by any provision of this Act declared that expenses are to be borne by or may be recovered from the owner of any premises (including under the term "owner" the adjoining and building owners respectively) the following rules shall be observed with respect to the payment of those expenses:—

- (1) The owner immediately entitled in possession to the premises or the occupier thereof shall in the first instance pay the expenses with this limitation that an occupier shall not be liable to pay any sum exceeding in amount the rent due or that will thereafter accrue due from him in respect of the premises during the period of his occupancy;
- (2) If there are successive owners each of them shall be liable to contribute to the expenses in proportion to his interest;
- (3) Any difference arising as to the amount of contribution shall be decided by arbitration;
- (4) If some of the owners liable to contribution cannot be found the deficiency so arising shall be divided amongst the owners who can be found;
- (5) Any occupier of premises who has paid any such expenses may deduct the amount so paid from any rent payable by him to any owner of the same premises and any owner who has paid more than his due proportion of any such expenses may deduct the amount so overpaid from any rent payable by him to any other owner of the same premises;
- (6) If default is made by any person in payment of any expenses payable by him in the first instance under this section the same may be recovered in a summary way and if default is made by any person in repaying to any other person any money recoverable under this section such moneys may be recovered in the same manner as if the obligation to pay such moneys were a simple contract debt.

As to periods
for giving
consents &c.
expiring in
vacations.

174. Where the period within which for the purposes of this Act any sanction consent approval or allowance in respect of any matters arising under Parts II. or V. of this Act is to be given or

refused by the Council or within which any objection is to be made or other act done by the Council would expire on any day between the eighth day of August and the fourteenth day of September (both inclusive) such period shall be deemed to be extended for twenty-eight days.

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Tribunal of Appeal.

175. For the purposes of this Act a tribunal of appeal shall be constituted as follows:—

Constitution
of tribunal
of appeal.

One member shall be appointed by a Secretary of State;

One member shall be appointed by the council of the Royal Institute of British Architects;

One member shall be appointed by the council of the Surveyors' Institution:

No member or officer of the Council shall be a member of the tribunal of appeal.

176. Members of the tribunal of appeal shall be appointed for a term of five years and any such member shall be eligible for re-appointment.

Duration of
office.

177. It shall be lawful for the Lord Chancellor if he think fit to remove for inability or misbehaviour or other good and sufficient cause any member of the tribunal of appeal.

Removal of
members.

178. Upon the occurrence of any vacancy in the tribunal of appeal or during the temporary absence through illness or other unavoidable cause of any member thereof a Secretary of State the council of the Royal Institute of British Architects or the council of the Surveyors' Institution (as the case may be) whichever of them shall have appointed the member of the tribunal whose place shall be vacated shall appoint forthwith a fit person to be a member (either temporary or permanent) of the tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid.

Vacancies to
be supplied.

179. Each member of the tribunal of appeal shall be entitled to such remuneration either by way of annual salary or by way of fees or partly in one way and partly in the other as a Secretary of State may from time to time fix.

Remunera-
tion of
members of
tribunal.

180. It shall be lawful for the tribunal of appeal to appoint such clerks officers and servants as they may find necessary who shall be paid such salaries as shall be determined by the Council and to provide offices and to obtain such professional advice and assistance as they may find necessary.

Officers &c.
of tribunal.

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Power for
Council to sup-
port decisions
of officers be-
fore tribunal.

Tribunal
may state
case for
opinion of
High Court.

181. It shall be lawful for the Council to defray the expenses of supporting any decision of the Council or of the superintending architect or of their engineer or of a district surveyor by counsel and witnesses before the tribunal.

182. It shall be lawful for the tribunal at any time to state and the tribunal shall if ordered by the High Court or a judge thereof on an application in a summary manner made by any party to the appeal state a case for the opinion of the High Court on any question of law involved in any appeal submitted to them. The High Court shall hear and determine the question or questions of law arising on any case stated by the tribunal of appeal and shall thereupon reverse affirm or amend the determination (if any) in respect of which the case has been stated or remit the matter to the tribunal of appeal with the opinion of the court on the case stated or may make such other order in relation to the matter as the circumstances of the case require and may make such order as to the costs of the case and in the High Court as to the court may seem fit.

Procedure
of tribunal.

183. The tribunal of appeal shall subject to the provisions of this Act have jurisdiction and power to hear and determine appeals referred to them under this Act.

For all the purposes of and incidental to the hearing and determination of any appeal the tribunal shall subject to any rules of procedure duly made have power to hear the Council and the parties interested either in person or by counsel solicitor or agent as they may think fit and to administer oaths and to hear and receive evidence and to require the production of any documents or books and to confirm or reverse or vary any decision and make any such order as they may think fit and the costs of any of the parties to the appeal including the Council shall be in the discretion of the tribunal.

Regulations
as to pro-
cedure and
fees.

184. The tribunal of appeal may from time to time subject to the approval of the Lord Chancellor make regulations consistent with the provisions of this Act as to the procedure to be followed in cases of appeal to the tribunal including the time and notice of appeal and as to fees to be paid by appellants and other parties.

Enforcement
of decision of
tribunal.

185. Any order of the tribunal of appeal may be enforced by the High Court as if it had been an order of that court.

Fees &c. to
be paid to
Council.
Expenses.

186. All fees and sums of money paid to the tribunal of appeal shall be paid over to the Council and carried to the county fund and the salaries or fees payable to members of the tribunal and the office and establishment expenses of the tribunal and expenses incurred by the tribunal and the Council in reference thereto shall be defrayed out of the county fund.

Notices.

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187.—(1) Notices orders and other such documents under this Act shall be in writing and notices and documents other than orders when issued by the Council shall be sufficiently authenticated if signed by their clerk or by the officer by whom the same are given or served. Notices to be
in writing.

(2) Orders shall be under the seal of the Council.

188.—(1) Any notice order or other document required or authorised to be served under this Act the service of which is not provided for by the Summary Jurisdiction Acts the Lands Clauses Acts or the Companies Clauses Consolidation Act 1845 may be served by delivering a copy thereof at or by sending a copy thereof by post in a registered letter to the usual or last known residence in the United Kingdom of the person to whom it is addressed or by delivering the same to some person on the premises to which it relates or if no person be found on the premises then by fixing a copy thereof on some conspicuous part of the building to which it relates and in the case of a railway company by delivering a copy thereof to the secretary at the principal office of the said company. Service of
notices.

(2) Any notice order or other document to be served upon a builder shall be deemed to be sufficiently served if posted in a registered letter addressed to such builder at the place of address stated in his building notice (if any) or in default thereof at his office or any one of his principal offices or if a copy thereof be fixed on some conspicuous part of the building to which it relates.

(3) Any notice by this Act required to be given to or served on the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming the premises) in respect of which the notice is given or served without further name or description.

(4) Any notice required by this Act to be served on a district surveyor may be served on him by post in a registered letter addressed to him at his office or by leaving the same at his office.

PART XVI.

MISCELLANEOUS.

189. All expenses incurred by the Council in carrying this Act into execution and not otherwise provided for shall be deemed to be general expenses incurred by the Council and shall be raised and paid accordingly and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be raised and paid by the Council in like manner. Expenses
how borne.

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Power for
Council to
annex
conditions.

190. In any case where the Council are authorised under this Act to refuse their sanction consent or allowance to the doing or omission of any act or thing the Council may if they think fit instead of refusing such sanction consent or allowance give the same subject to such terms and conditions in relation to the subject matter of such sanction consent or allowance as the Council think fit Any such term or condition when accepted shall be binding on the owner and occupier of the building or structure or ground to which the sanction consent or allowance relates and if at any time any term or condition so accepted is not observed or fulfilled the owner or occupier in default shall be subject to a penalty as hereinafter provided.

As to build-
ings of
historical
interest.

191. In the event of its being necessary to take down any portion of an old building of architectural or historical interest constructed otherwise than in accordance with the regulations of this Act or in the event of the destruction of any part of such building the part so taken down or destroyed may with the consent of the Council first obtained be restored in the same material and in the same design as it formerly was.

Power of
entry to
owner &c.
to execute
work.

192. Any owner builder or other person and his servants workmen and agents may for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of any building or structure room or place after giving seven days' notice to the occupier thereof and on production of the first-mentioned notice or order enter and from time to time without further notice re-enter such building or structure room or place and do all necessary works and things therein thereto or in connexion therewith.

Limitation
of time for
proceedings
where
notice not
given.

193. Where any building has been erected or work done without due notice having been given to the district surveyor (in accordance with this Act or a byelaw made under this Act) the district surveyor may at any time within one month after he has discovered that such building has been erected or work done enter the premises for the purpose of seeing that the provisions of this Act or any notice served or order made under the same have been complied with and the time during which the district surveyor may take any proceedings or do anything authorised or required by this Act to be done by him in respect of such building or work shall begin to run from the date of his discovering that such building has been erected or work done.

Plans and
documents to
be property
of Council.

194. Applications plans and other documents delivered at the office of the Council or to the district surveyor in pursuance of this

Act or of any byelaw of the Council thereunder shall on delivery there become the property of the Council. A.D. 1894.

195. The approval by the Council of any plans or particulars for the purposes of this Act shall be signified in writing under the hand of the superintending architect. Mode of giving approval of Council to plans.

196. Where any consent is required to be given any notice to be served or any other thing to be done by or to any owner in pursuance of this Act if there is no owner or if any such owner cannot be found the judge of the county court may give such consent or do or cause to be done such thing on such terms and conditions as he may think fit and may dispense with the service of any notice which would otherwise be required to be served. Consent how given on behalf of owners not to be found.

197.—(1) It shall not be lawful for any person to erect or place a pile stack or store of cut or uncut timber lathwood firewood casks or barrels whether on or above the ground nearer to a street than the buildings forming the general line of buildings therein except in a position wherein such a pile stack or store stood on the first day of January one thousand eight hundred and ninety-four. Storing of wood and timber.

(2) It shall not be lawful for any person to pile stack or store cut or uncut timber lathwood firewood casks or barrels in the same yard or ground or in any part of the same premises with any furnace except in the following cases:—

(a) Where the furnace is enclosed in a building or chamber constructed of fire-resisting materials; or

(b) Where there is a distance of not less than ten feet between the furnace and the pile stack or store of timber lathwood firewood casks or barrels.

(3) No pile stack or store of timber lathwood firewood casks or barrels shall exceed sixty feet in height from the level of the ground.

(4) It shall not be lawful to form in any pile stack or store of timber lathwood firewood casks or barrels any room or chamber or space (other than a passage) to be used for any purpose whatever.

(5) Timber yards existing at the time of the passing of this Act shall comply with these provisions within two years from the date of the passing of the Act but the Council shall have power in individual cases if they think fit to prolong this time for a term not exceeding seven years and shall have power to relax any of the provisions of this section.

(6) This section shall not apply to railway companies or canal companies so far as regards timber lathwood firewood casks or barrels in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings nor to timber lathwood

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firewood casks or barrels piled stacked or stored in or on any yard or other premises occupied by any dock company for the purposes of their undertaking or to any such yard or premises or to any person piling or stacking or storing timber lathwood firewood casks or barrels in or on any such yard or premises.

Removal of
roof not to
affect
proceedings.

198. Proceedings with respect to a building shall not be affected by the removal or falling in of the roof or covering of such building.

Preventing
obstruction
in streets.

199. No person not being lawfully authorised shall erect or place or cause to be erected or placed any post rail fence bar obstruction or encroachment whatsoever in upon over or under any street and no person not being lawfully authorised shall alter or interfere with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out from passing over the same.

The Council may at the expiration of two days after giving notice in writing to such person to demolish or remove any such post rail fence bar obstruction or encroachment or to reinstate or restore such street to its former condition (as the case may be) demolish or remove any such post rail fence bar obstruction or encroachment and reinstate or restore such street to its former condition and recover the expenses thereof from such person in a summary manner.

This section shall not apply within the City.

Offences against Act.

Offences
against Act.

200. Subject to the provisions of this Act every person who does any of the things specified in this section shall be deemed to have committed an offence against this Act and shall be liable upon conviction in a summary manner to a penalty not exceeding the amount hereafter specified in connexion with such offence and to a further penalty not exceeding the amount hereafter stated as the daily penalty in connexion with such offence for every day on which the offence is continued after such conviction (that is to say):—

(1) Every person who—

(a) commences to form or lay out alter or adapt any street or way without having first obtained the sanction of the Council under this Act or otherwise than in accordance with the conditions (if any) prescribed by the Council in giving their sanction or by the tribunal of appeal as the case may be or commences to widen any street or way to a less extent than the prescribed distance without giving to the Council the notice prescribed by this Act; or

- (b) unlawfully erects or places in upon or over any street or way any post fence bar obstruction or encroachment; or
- (c) unlawfully permits any such post rail fence bar obstruction or encroachment in upon or over any street or way to remain after notice served upon him by the Council to remove the same; or
- (d) unlawfully alters or interferes with any street in such a manner as to impede or hinder the traffic for which such street was formed or laid out;

shall be liable to a penalty not exceeding ten pounds for every such offence and to a daily penalty not exceeding forty shillings:

- (2) Every person who neglects or refuses for twenty-eight days after the service of any notices empowered to be served under Part II. of this Act requiring him to set back any building or structure 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 within the time (if any) limited in such notice shall be liable to a penalty of not less than forty shillings and not more than five pounds and to a daily penalty of not less than ten shillings and not more than forty shillings. Provided always that this sub-section shall not apply to any non-compliance with such notice in the case of an intended highway where the same shall not be opened as a highway:

- (3) Every person who—

- (a) erects or brings forward any building or structure in contravention of any of the provisions of Part III. of this Act or of any conditions attached by the Council to any consent given pursuant to such provisions; or
- (b) erects alters enlarges rebuilds or raises or commences to erect alter enlarge rebuild or raise any building or commences so to do so as to contravene any of the provisions of Part V. of this Act; or
- (c) fails to comply with any of the provisions of Part VI. of this Act; or
- (d) fails to comply with the requirements of any notice given to or served upon him under and in accordance with Part VII. of this Act within the time (if any) specified in such notice; or
- (e) sets up erects or adapts any building or structure to which Part VII. of this Act applies without having obtained any licence required by that Part of this Act or

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makes default in observing any of the conditions contained in such licence ;

shall be liable to a penalty not exceeding twenty pounds a day during every day of the continuance of the non-compliance with the order of the Court in reference to the matters aforesaid :

- (4) Every person who hinders or obstructs any persons empowered by this Act to enter and remain on any premises for the purpose of executing and to execute any work authorised or directed to be done under this Act or wilfully damages or injures any such work shall be liable for every such offence to a penalty not exceeding ten pounds :
- (5) Every person who being a building owner liable under Part VIII. of this Act to make good any damage which he may occasion to the adjoining owners' or adjoining occupiers' property by any works authorised to be executed by the building owner or to do any other thing upon condition of doing which his right to execute such works is by Part VIII. of this Act declared to arise fails within a reasonable time to make good such damage or to do such thing shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding the like amount :
- (6) Every person who refuses to admit the purchaser of any materials sold under this Act his servants or agents upon the land on which the same are at a reasonable hour or impedes him or them in removing the same therefrom at a reasonable hour shall be liable to a penalty not exceeding ten pounds and to a daily penalty of not exceeding five pounds :
- (7) Every person who erects a building nearer than fifty feet to a building used for any dangerous business or a dwelling-house nearer than fifty feet to a building used for any noxious business shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount for every day during which such first-mentioned building or such dwelling-house shall be allowed to so remain near to such dangerous or noxious business :
- (8) Every person who establishes or carries on a dangerous or noxious business in contravention of any of the provisions of this Act shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding the like amount :
- (9) Every person who erects or adapts or commences to erect or adapt otherwise than in accordance with the provisions of Part XI. of this Act any building to which Part XI. of this Act relates shall be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty

pounds for every day after the conviction for the offence on which the building continues so erected or adapted without a licence or on which default is made in observing or complying with any conditions of a licence under that Part of this Act :

- (10) Every person not complying with any term or condition imposed by the Council under the section the marginal note of which is "Power for Council to annex conditions" shall be liable to a penalty not exceeding ten pounds :
- (11) (a) Any person who places erects or retains or suffers or permits to be placed erected or retained any sky sign contrary to the provisions of this Act ; or
- (b) Being a person who ought to serve a building notice fails to do so or begins to execute a work respecting which he ought to serve a building notice before serving such notice or having served a building notice begins to execute the work to which it relates before the expiration of two clear days after the notice has ceased to operate ; or
- (c) Refuses to permit any district surveyor at a reasonable time to enter survey or inspect any building work or premises which such surveyor is by this Act authorised to enter and inspect or refuses or neglects to afford him all reasonable assistance in such inspection ; or
- (d) Fails to comply with any order of the county court made in pursuance of this Act within the time named in such order ; or
- (e) Refuses to admit at a reasonable time a builder to a building or otherwise prevents a builder from complying with any order of the county court made in pursuance of this Act ; or
- (f) (Being a workman labourer servant or other person employed in or about any building) wilfully and without the privity or consent of the person causing the work to be done does anything in or about such building contrary to the provisions of this Act ; or
- (g) Refuses to admit at a reasonable time any owner builder or person or his servants workmen or agents into any land building or structure for the purpose of complying with any notice or order served or made on him in pursuance of this Act in respect of such land building or structure or refuses or neglects to afford them all reasonable assistance in complying with such notice or executing such order ; or
- (h) Acts in any manner in contravention of any of the provisions of this Act relating to the storing of wood and timber ; or

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(j) Does any other thing prohibited by this Act or fails neglects or omits to do any other thing which he is required to do under or in pursuance of this Act;

shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding the like amount:

(12) Every person who without the consent of the Council converts or uses a building contrary to any of the provisions of the section of this Act of which the marginal note is "Rules as to conversion of buildings" shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding the like amount for every day on which the building remains so converted or is used contrary to the provisions of the said section.

The liability to these penalties shall be without prejudice to any other proceedings whether under this Act or any byelaw under this Act or otherwise but so that no person shall be punished twice for the same offence.

Application of Act.

Buildings
exempt from
parts of Act.

201. The following buildings and works shall be exempt from the operation of Parts VI. and VII. of this Act:—

- (1) Bridges piers jetties embankment walls retaining walls and wharf or quay walls:
- (2) The Mansion House Guildhall and Royal Exchange of the City:
- (3) The offices and buildings of the Bank of England within the City:
- (4) All buildings erected before or after the passing of this Act by or with the sanction of the Commissioners for the Exhibition of 1851 on any lands belonging to them and purchased in pursuance of any power vested in them by charter or Act of Parliament except streets or blocks of buildings erected by them or with their sanction as private dwelling-houses:
- (5) The Sessions House at the Old Bailey and all other sessions houses or other public buildings belonging to or occupied for public purposes by the justices of the peace of the counties of Middlesex London and the City of London or by the County Councils of London and Middlesex respectively:
- (6) The erections and buildings authorised by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth for the purposes of a market in Covent Garden:
- (7) The buildings of the Metropolitan Cattle Market and of the Cattle Market at Deptford and any building within the market premises inhabited or adapted to be inhabited by any official or

servant of the Corporation for the purposes of such markets or either of them :

- (8) Any building or part of a building belonging to a canal company and used exclusively for the purposes of canal works under any Act of Parliament ;

Any building or structure situate upon the railway or within the railway or station premises and used for the purposes of or in connexion with the traffic of a railway company ;

Any building or part of a building belonging to a gas company and used exclusively for gasworks ;

Any building or part of a building belonging to the Conservators of the River Thames and used by them as a workshop or store ;

The foundations and walls of buildings belonging to a railway company situate over any station or works of a railway company or immediately adjoining any railway or works of a railway company and upon land acquired under the powers of an Act of Parliament ;

Any building within the station premises of any railway company inhabited or adapted to be inhabited in whole or in part by any official or servant of the railway company :

Provided always that nothing in this sub-section shall exempt any other buildings used for the purpose of human habitation so far as they are so used :

- (9) Any building or structure or part of a building or structure belonging to a dock company constituted by Act of Parliament and situate within the dock premises :
- (10) Buildings not exceeding in area thirty square feet and not exceeding in height five feet in any part measured from the level of the ground to the under side of the eaves or roof plate and distant at least five feet from any other building and from any street and not having therein any stove flue fireplace hot air pipe hot water pipe or other apparatus for warming or ventilating the same provided that no portion of the building extends beyond the general line of buildings in any street :
- (11) All buildings and structures (not exceeding in height thirty feet as measured from the footings of the walls and not exceeding in extent one hundred and twenty-five thousand cubic feet and not being public buildings) wholly in one occupation and distant at the least eight feet from the nearest street or way and at the least thirty feet from the nearest buildings and from the land of any adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within thirty feet of another detached

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building constructed as stables or offices to be used in connexion with such dwelling-house :

- (12) All buildings not exceeding in extent two hundred and fifty thousand cubic feet and not being public buildings and distant at the least thirty feet from the nearest street or way and at the least sixty feet from the nearest buildings and from the land of an adjoining owner A detached dwelling-house shall not be excluded from this exemption solely by reason of its being within sixty feet of another detached building constructed as stables or offices to be used in connexion with such dwelling-house :
- (13) All party fence walls not exceeding in height seven feet measured from the top of the footings of the walls :
- (14) Greenhouses if not attached to other buildings :
- (15) Greenhouses if attached to other buildings so far as regards the necessary woodwork of the sashes doors and frames :
- (16) Cases of metal and glass used solely for holding plants fastened to the woodwork of the sill and lower sash of a window provided that no portion project over the public way or more than twelve inches beyond the external face of the wall of the building :
- (17) Openings made into walls or flues for the purpose of inserting therein ventilating valves of a superficial extent not greater than forty square inches if such valves are not nearer than twelve inches to any timber or other combustible material.

If any addition be made to any building or structure specified in sub-sections (10) (11) or (12) whereby any increase is caused in the area height or extent of any such building or structure beyond the area height or extent mentioned in the sub-section in which any such building or structure is specified the Council may give notice to the owner or occupier of such building or structure either to remove such addition or to make the building so increased in height or extent conform with all or any of the provisions of this Act and with any byelaws under this Act relating to the construction of buildings and upon his failing to do so within fourteen days from the service upon him of such notice the Council may remove such addition to the building or structure and may recover the expenses of such removal from the owner or occupier so making default in a summary manner.

Exemption
of Govern-
ment build-
ings. }

202. There shall be exempted from so much of the provisions of this Act as relates to buildings and structures—

Every building structure or work vested in and in the occupation of Her Majesty Her heirs and successors either beneficially or

as part of the hereditary revenues of the Crown or in trust for the public service or for public services ; also

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Any building structure or work vested in and in the occupation of any department of Her Majesty's Government or of the Metropolitan Police or of the trustees of the British Museum for public purposes or for the public service ; also

Any building structure or work vested in and occupied for the service of the Duke of Cornwall for the time being.

203. Where a local authority or a company has statutory powers for the supply of electricity in any metropolitan district the buildings of such local authority or company used as a generating station or for works shall be deemed to be special buildings to which the general provisions of Parts V. VI. and VII. and the First and Second Schedules of this Act do not apply and plans thereof shall be submitted to the Council for their approval and the Council shall have power to authorise the buildings to be erected of greater dimensions than two hundred and fifty thousand cubic feet and in other respects to exempt such buildings from any of the provisions of this Act if they think fit.

As to buildings for the supply of electricity.

204. The lands buildings and property of—

- (1) The Honourable Society of the Inner Temple ;
- (2) The Honourable Society of the Middle Temple ;
- (3) The Honourable Society of Lincoln's Inn ;
- (4) The Honourable Society of Gray's Inn ;

Exempting lands buildings and property of Inns of Court.

herein called " the Inns of Court " shall be exempt from the operation of this Act Provided that in respect of any building structure or land which abuts upon any public street public place or public way the Inns of Court shall be subject to the provisions of Part III. of this Act (Lines of Building Frontage).

205. In addition to any exemption referring to gas companies contained in this Act nothing in this Act contained shall in any way take away alter prejudice or affect any of the powers rights and privileges conferred upon a gas company by any Act of Parliament and as existing immediately before the passing of this Act.

Saving existing rights of gas companies.

206. Any building structure or work in any respect exempt from the operation of this Act or in any manner privileged in respect of any provision of this Act shall remain so exempt or privileged so long only as it is used for the purpose or retains the character by reason whereof it is so exempt or privileged.

Duration of exemption.

207. It shall not be lawful (unless with the consent of the Council) to make any alteration of any building in such manner that when so altered it will by reason of such alteration not be

Buildings not to be altered so as not to conform to Act.

A.D. 1894. in conformity with the provisions of this Act applicable to new buildings.

When remainder of party wall &c. to be taken down.

208. Unless in any case the Council otherwise allow where a party wall or external wall not in conformity with this Act has been taken down burnt or destroyed to the extent of one half thereof (measured in superficial feet) every remaining portion of the old wall not in conformity with this Act shall either be made to conform therewith or be taken down before the rebuilding thereof.

Additions to and alterations of buildings.

209. Every addition to or alteration of a building and any other work made or done for any purpose in to or upon a building (except that of necessary repair not affecting the construction of any external or party wall) shall so far as regards such addition or alteration or other work be subject to the provisions of this Act and of byelaws thereunder relating to new buildings.

Application of Act to buildings erected before commencement of Act.

210. A building structure or work erected or constructed before the commencement of this Act to which no objection could have been taken under any law then in force shall (subject to the provisions of this Act as to new buildings or the alteration of buildings) be deemed to be erected or constructed in compliance with the provisions of this Act.

Rules as to conversion of buildings.

211. Unless in any case the Council otherwise allow no person shall—

- (1) convert into or use as a dwelling-house any building or part of a building not originally constructed for human habitation ;
- (2) convert into one dwelling-house two or more dwelling-houses constructed originally as separate dwelling-houses ;
- (3) convert into or use as two or more dwelling-houses any building constructed originally as one dwelling-house ;
- (4) convert a building which when originally erected was legally exempt from the operation of any building enactments or byelaws in force within London into a building which had it been originally erected in its converted form would have been within the operation of these enactments or byelaws ;
- (5) re-convert into or use as a dwelling-house any building which has been discontinued as or appropriated for any purpose other than a dwelling-house ;
- (6) convert into or use as a dwelling-room or part of a dwelling-room any room or part of a room used as a shop ; or,
- (7) convert a dwelling-house or any part of a dwelling-house into a shop ;

in such manner that the building or part of a building so converted as aforesaid when converted will not be in conformity with the

provisions of this Act relating to the class of buildings to which the building when so converted will belong. A.D. 1894.

212. Notwithstanding anything contained in this Act a building structure or work which has been commenced before and is in progress at the commencement of this Act or which is to be carried out under any contract entered into before the passing of this Act may be completed subject to and in accordance with the provisions of the Acts relating thereto as in force immediately previous to the passing of this Act. Buildings in progress.

213. Nothing in this Act shall take away or interfere with the powers of the local authorities with respect to the paving of new streets under the Metropolis Management Acts. Saving powers of local authorities.

Repeal.

214. Section 50 of the Metropolitan Railway (Additional Powers) Act 1866 is hereby repealed. Repeal of section 50 of Metropolitan Railway Act 1866.

215.—(1) The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeal of enactments in schedule.

(2) This appeal shall not affect—

- (a) The past operation of any enactment hereby repealed nor anything duly done or suffered under any enactment hereby repealed; or
- (b) Any right privilege obligation or liability acquired accrued or incurred under or in accordance with any enactment hereby repealed; or
- (c) Any penalty forfeiture or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d) Any power investigation legal proceeding or remedy in respect of any such right privilege obligation liability penalty forfeiture or punishment as aforesaid and any such power investigation legal proceeding and remedy may be exercised and carried on as if this Act had not passed; or
- (e) Any of the powers privileges exemptions jurisdictions or authorities given to or vested in the Commissioners of Sewers by or under any Act of Parliament and existing immediately before the passing of this Act.

216. All byelaws regulations orders consents conditions and notices duly made given imposed or issued under any Act hereby repealed shall so far as applicable for the purposes of this Act be of the same validity and effect as if they had been made given imposed or issued under this Act. And all such byelaws and Byelaws &c. under repealed Acts to remain in force.

A.D. 1894. — regulations shall remain in force until the same shall be revoked altered or varied by byelaws duly made under the provisions of this Act.

Saving for existing officers.

217. Officers appointed under any enactment hereby repealed shall continue in office in like manner as if this Act had not been passed.

References in Acts or documents to repealed Acts to be read as referring to this Act.

218. Where in any Act or document any Act or any provisions of any Act are mentioned or referred to which are repealed by this Act such Act or document shall with any necessary modifications and so far only as the circumstances of the case admit be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions.

SCHEDULES.

A.D. 1894.

THE FIRST SCHEDULE.

PRELIMINARY.

Parts I. and II. of this Schedule apply to walls built of bricks not of less than eight and a half inches long or of stone or other blocks of hard and incombustible substance the beds or courses being horizontal.

1. Every building unless otherwise sanctioned in accordance with this Act shall be enclosed with walls constructed of brick stone or other hard and incombustible substances and the footings shall rest on the solid ground or upon concrete or upon other solid substructure Provided that open sheds not exceeding sixteen feet in height and not exceeding four squares in area may be constructed of any substances and in any manner approved by the district surveyor.

Structure of buildings.

2. Every wall constructed of brick stone or other similar substances shall be properly bonded and solidly put together with mortar or cement and no part of such wall shall overhang any part underneath it except to the extent of six inches and provided that the projection be well and solidly corbelled out and that the side of the wall opposite to the corbelling be carried up vertically in continuation of the inner face thereof And all return walls shall be properly bonded together.

Construction of walls of brick stone &c.

3. The thickness of every wall not being built of bricks or stone or other hard and incombustible substances laid in horizontal beds or courses shall be one third greater than the thickness prescribed in Parts I. and II. of this Schedule.

Extra thickness of certain walls.

4. The thickness of any wall of a dwelling-house if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by Parts I. and II. of this Schedule or of such thickness as may be approved by the Council.

Thickness of walls built of materials other than such bricks &c. as aforesaid.

5. When hollow walls are constructed there shall be a wall on one side of the hollow space of the full thickness prescribed by this Act.

Hollow walls.

6. The heights of storeys shall be measured as follows:—

Height of storey.

(a) The height of a topmost storey shall be measured from the level of the underside of its floor joists up to the level of the under surface of the tie of the roof or other covering or if there is no tie then up to the level of half the vertical height of the rafters or other support of the roof;

(b) The height of every storey other than a topmost storey shall be measured from the level of the underside of the floor joists of the storey up to the level of the underside of the floor joists of the storey next above it.

7. For the purpose of determining the thickness of a wall the height of such wall shall be measured from the base of the wall to the top of the topmost storey whether such wall is carried to the full height or not or in case of a gable when there are no storeys in the roof to half the height of the gable.

Height of external and party walls.

A.D. 1894.

Length of walls.

8. Walls are deemed to be divided into distinct lengths by return walls and the length of every wall is measured from the centre of one return wall to the centre of another provided that such return walls are external party or cross walls of the thickness required under this Schedule and bonded into the walls so deemed to be divided.

Footings of walls.

9. Unless with the consent of the Council every wall other than a wall carried on a bressummer shall have footings:—

The projection of the bottom of the footing of every wall on each side of the wall shall be at least equal to one half of the thickness of the wall at its base unless an adjoining wall interferes in which case the projection may be omitted where that wall adjoins and the diminution of the footing of every wall shall be formed in regular offsets and the height from the bottom of such footing to the base of the wall shall be at the least equal to two thirds of the thickness of the wall at its base.

Underpinning.

10. The underpinning of walls and chimneys shall be built with brick or stone bedded in cement to the full thickness of the old wall or work and with proper footings or to an additional thickness if the increased height of the wall so requires and shall rest on the solid ground or on concrete or on other solid substructure as a foundation and the whole shall be executed to the satisfaction of the district surveyor.

Thickening of walls.

11. A wall shall not be thickened except after notice served on the district surveyor of the intention to thicken and the thickening shall be executed with brick or stone work in cement properly bonded to the old work to the satisfaction of the district surveyor.

PART I.

BUILDINGS NOT PUBLIC AND NOT OF THE WAREHOUSE CLASS.

External and party walls shall be of not less thickness than the thickness herein-after specified in each case viz:—

1. When the wall does not exceed twenty-five feet in height its thickness shall be as follows:—

If the wall does not exceed thirty feet in length and does not comprise more than two storeys it shall be eight and a half inches thick for its whole height;

If the wall exceeds thirty feet in length or comprises more than two storeys it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height.

2. Where the wall exceeds twenty-five feet but does not exceed forty feet in height its thickness shall be as follows:—

If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick below the topmost storey and eight and a half inches thick for the rest of its height;

If the wall exceeds thirty-five feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the

rest of its height below the topmost storey and eight and a half inches thick for the rest of its height.

3. When the wall exceeds forty feet but does not exceed fifty feet in height its thickness shall be as follows :—

If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick for the height of one storey then thirteen inches thick for the rest of its height below the topmost storey and eight and a half inches thick for the rest of its height ;

If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys then thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next storey and then thirteen inches thick for the rest of its height.

4. Where the wall exceeds fifty feet but does not exceed sixty feet in height its thickness shall be as follows :—

If the wall does not exceed forty-five feet in length it shall be seventeen and a half inches thick for the height of two storeys and thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height.

5. Where the wall exceeds sixty feet but does not exceed seventy feet in height its thickness shall be as follows :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next two storeys and then thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

6. Where the wall exceeds seventy feet but does not exceed eighty feet in height its thickness shall be as follows :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick for the height of one storey then seventeen and a half inches thick for the height of the next three storeys and thirteen inches thick for the rest of its height ;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

A.D. 1894.

7. Where the wall exceeds eighty feet but does not exceed ninety feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next storey then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

8. Where the wall exceeds ninety feet but does not exceed one hundred feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick for the height of one storey then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

9. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height its thickness shall be as follows:—

If the wall does not exceed forty-five feet in length it shall be thirty inches thick for the height of one storey then twenty-six inches thick for the height of the next two storeys then twenty-one inches and a half thick for the height of the next two storeys then seventeen and a half inches thick for the height of the next three storeys and then thirteen inches thick for the rest of its height;

If the wall exceeds forty-five feet in length it shall be increased in thickness in each of the storeys below the uppermost two storeys by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

Condition in respect of storeys exceeding certain height.

10. If any storey exceeds in height sixteen times the thickness prescribed under this Schedule for the walls of such storey the thickness of each external and party wall throughout such storey shall be increased to one sixteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

Restriction in case of certain storeys.

11. No storey enclosed with walls less than thirteen inches in thickness shall be more than ten feet in height between the floor and the ceiling thereof or between the floor and the tie of the roof.

Rule as to buildings not being public buildings or buildings of the warehouse class.

12. All buildings excepting public buildings and such buildings as are in this Act defined to be buildings of the warehouse class shall as respects the thickness of their walls be subject to the provisions contained in this part of this Schedule.

PART II.

A.D. 1894.

BUILDINGS OF THE WAREHOUSE CLASS.

The external and party walls of buildings of the warehouse class shall at the base be made of not less thickness than the thickness herein-after specified in each case viz. :—

Thickness at
base.

1. Where the wall does not exceed twenty-five feet in height (whatever is its length) it shall be thirteen inches thick at its base.

2. Where the wall exceeds twenty-five feet but does not exceed thirty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be thirteen inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be seventeen and a half inches thick at its base.

3. Where the wall exceeds thirty feet but does not exceed forty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed thirty-five feet in length it shall be thirteen inches thick at its base ;

If the wall exceeds thirty-five feet but does not exceed forty-five feet in length it shall be seventeen and a half inches thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-one inches and a half thick at its base.

4. Where the wall exceeds forty feet but does not exceed fifty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed thirty feet in length it shall be seventeen and a half inches thick at its base ;

If the wall exceeds thirty feet but does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.

5. Where the wall exceeds fifty feet but does not exceed sixty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be twenty-six inches thick at its base.

6. Where the wall exceeds sixty feet but does not exceed seventy feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

7. Where the wall exceeds seventy feet but does not exceed eighty feet in height it shall be at its base of the thickness following :—

If the wall does not exceed forty-five feet in length it shall be twenty-one inches and a half thick at its base ;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four

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inches and a half (subject to the provision in this Schedule respecting distribution in piers).

8. Where the wall exceeds eighty feet but does not exceed ninety feet in height it shall be at its base of the thickness following:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

9. Where the wall exceeds ninety feet but does not exceed one hundred feet in height it shall be at its base of the thickness following:—

If the wall does not exceed forty-five feet in length it shall be twenty-six inches thick at its base;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

10. Where the wall exceeds one hundred feet but does not exceed one hundred and twenty feet in height it shall be at its base of the thickness following:—

If the wall does not exceed forty-five feet in length it shall be thirty-one inches thick at its base;

If the wall exceeds forty-five feet in length it shall be increased in thickness from the base up to within sixteen feet from the top of the wall by four inches and a half (subject to the provision in this Schedule respecting distribution in piers).

11. The thickness of the wall at the top and for sixteen feet below the top shall be thirteen inches and a half and the intermediate parts of the wall between the base and sixteen feet below the top shall not be of less thickness than would be the case if the wall were to be built solid throughout the space between straight lines drawn on each side of the wall and joining the thickness at the base to the thickness at sixteen feet below the top:

Nevertheless in walls not exceeding thirty feet in height the walls of the topmost storey may be nine inches thick provided the height of that storey does not exceed ten feet.

12. If in any storey of a building of the warehouse class the thickness of the wall as determined by the provisions of this Schedule is less than one fourteenth part of the height of such storey the thickness of the wall shall be increased to one fourteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to a like extent but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one fourth part of the length of the wall.

13. The thickness of any wall of a building of the warehouse class if built of materials other than those before specified shall be deemed to be sufficient if made of the thickness required by the provisions of this Schedule or of such other thickness as may be approved by the Council.

Condition in respect of storeys exceeding a certain height.

Thickness of walls built of materials other than such bricks &c. as aforesaid.

MISCELLANEOUS.

A.D. 1894.

Cross-walls.

1. The thickness of a cross-wall shall be two-thirds of the thickness hereinbefore required for an external or party wall of the same dimensions and belonging to the same class of buildings but never less than eight and a half inches and no wall subdividing any building shall be deemed to be a cross-wall unless it is carried up to the floor of the topmost storey and unless in each storey the aggregate extent of the vertical faces or elevations of all the recesses and that of all the openings therein taken together does not exceed one-half of the whole extent of the vertical face or elevation of the wall.

2. Wherever a cross-wall becomes in any part an external wall such cross-wall shall be of the thickness required for an external wall of the same height and length and belonging to the same class of buildings.

3. Where an increase of thickness is by any rule of Part I. or Part II. of this Schedule required in case of a wall exceeding sixty feet in height and forty-five feet in length or in case of a storey exceeding in height sixteen times or fourteen times (as the case may be) the thickness prescribed for its walls or in case of a wall below such storey the increased thickness may be confined to piers properly distributed of which the collective widths amount to one fourth-part of the length of the wall.

 THE SECOND SCHEDULE.

The following materials shall for the purposes of this Act be deemed to be fire-resisting materials:—

(1) Brickwork constructed of good bricks well burnt hard and sound properly bonded and solidly put together—

(a) With good mortar compounded of good lime and sharp clean sand hard clean broken brick broken flint grit or slag; or

(b) With good cement; or

(c) With cement mixed with sharp clean sand hard clean broken brick broken flint grit or slag;

(2) Granite and other stone suitable for building purposes by reason of its solidity and durability:

(3) Iron steel and copper:

(4) Oak and teak and other hard timber when used for beams or posts or in combination with iron the timber and the iron (if any) being protected by plastering in cement or other incombustible or non-conducting external coating;

In the case of doors—

oak or teak or other hard timber not less than two inches thick;

In the case of staircases—

oak or teak or other hard timber with treads strings and risers not less than two inches thick:

(5) Slate tiles brick and terra cotta when used for coverings or corbels:

(6) Flagstones when used for floors over arches but not exposed on the underside and not supported at the ends only:

(7) Concrete composed of broken brick stone chippings or ballast and lime cement or calcined gypsum when used for filling in between joists of floors:

(8) Any material from time to time approved by the Council as fire-resisting.

A.D. 1894.

THE THIRD SCHEDULE.

FEES PAYABLE TO DISTRICT SURVEYORS.

PART I.

ON NEW BUILDINGS.

	£	s.	d.
For any building not exceeding thirty square feet in area and not exceeding ten feet in height - - - - -	0	10	0
For every building not exceeding four hundred square feet in area and not more than two storeys in height - - - - -	1	10	0
For every additional storey - - - - -	0	5	0
For every additional square or fraction of a square - - - - -	0	2	6
For every building not exceeding four hundred square feet in area and of one storey only in height - - - - -	0	15	0

ON ADDITIONS ALTERATIONS OR OTHER WORKS.

For every addition or alteration or other work to which the provisions of this Act apply made or done to or on any building after the roof thereof has been covered in one half of the fee charged in the case of a new building calculated upon the area of the whole building.

For inspecting the arches or fire resisting floors over or under public ways - - - - -	0	10	0
For inspecting the formation of openings in party walls (for each opening) - - - - -	0	10	0
For inspecting the closing of openings in party walls (for each opening) - - - - -	0	10	0

Provided that in the case of public buildings buildings constructed of concrete and buildings divided into separate sets of chambers or tenements by party structures the fees herein-before specified in this part of this Schedule shall in every case be increased by one-half.

ON CHIMNEYS AND FLUES.

	£	s.	d.
On the construction of a furnace chimney-shaft or similar shaft for ventilation or other purposes in addition to the fee for any other operation in progress at the same time if not exceeding seventy-five feet in height - - - - -	2	0	0
If exceeding seventy-five and not exceeding one hundred feet in height - - - - -	2	10	0
For every additional ten feet or portion of ten feet in height - - - - -	0	10	0
On the carrying of a flue from an oven stove steam-boiler furnace or close-fire into an old flue - - - - -	0	10	0
On certifying that a chimney breast in a party wall may be cut away - - - - -	0	10	0

ON CERTIFYING PLANS.

A.D. 1894.

	£	s.	d.
For examining and certifying plans of an old building	-	2	2 0

ON WOODEN AND TEMPORARY STRUCTURES.

On inspection of any wooden structure or on inspection of any structure or erection put up on any public occasion the same amount as for a new building calculated on the area of the structure or erection without reference to the area of any building to which it may be attached or in or on which it may be put up.

ATTENDING AT COURT.

For attending at a court when an order is made for complying with notice of irregularity	-	-	-	0	10	0
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PART II.

ON DANGEROUS STRUCTURES.

On each dangerous structure—

Where there are not more than four adjoining or nearly contiguous structures in the same ownership—

- | | | | |
|--|---|----|--------|
| 1. For making a survey of the structure reported as dangerous and certifying opinion thereon— | £ | s. | d. |
| If the structure do not exceed four squares in area and two storeys in height | - | - | 0 7 6 |
| If exceeding four squares | - | - | 0 10 0 |
| For every additional storey above two | - | - | 0 2 6 |
| 2. For each inspection of the structure and report as to completion or progress of the works | - | - | 0 5 0 |
| 3. For inspecting the structure before the hearing of the summons and attending the court to give evidence— | | | |
| If one structure only | - | - | 0 10 0 |
| If more than one structure (for each structure) | - | - | 0 5 0 |
| 4. For inspecting the structure before the hearing of the summons against the occupier (the owner having failed to comply) and attending the court to give evidence— | | | |
| If one structure only | - | - | 0 10 0 |
| If more than one structure (for each structure) | - | - | 0 5 0 |
| 5. For every adjournment of the summons | - | - | 0 5 0 |
| 6. For superintending the erection of shoring (including needling when requisite) and hoarding whether done by the Council or not and for certifying the account for the same when done by the Council | - | - | 0 10 0 |

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	£	s.	d.
7. For shoring without hoarding or hoarding without shoring and certifying the account - - -	0	7	6
8. For supervision including the report of the officer in cases where it is necessary for the Council to execute works to ensure the safety of the public under an order made by a court - - -	0	5	0
<i>Where there are more than four adjoining or nearly contiguous structures in the same ownership—</i>			
For Nos. 2 3 and 4 in the above table - - -	0	4	0
For No. 5 - - -	0	2	6
And for No. 8 - - -	0	4	0

PART III.

FEES PAYABLE FOR SPECIAL SERVICES.

The fees payable by a builder to the district surveyor for special services shall be the following:—

For superintending the construction of floors and partition walls to stables under section 70 of this Act per building	0	5	0
For superintending the construction of overhanging oriel windows per building - - -	0	5	0
For superintending the fixing of any oven copper steam-boiler or stove to be used for trade purposes and not heated by gas - - -	0	10	0
For superintending the fixing of pipes for conveying heated air or hot water or steam at high pressure (for each floor of a building on which pipes are fixed) - - -	0	10	0
For services relating to the erection of buildings on low-lying lands per building - - -	0	5	0

PART IV.

FEES PAYABLE TO COUNCIL.

ON DANGEROUS STRUCTURES.

For general services—

1. For preparation of notices forms for same and postage -	0	3	6
2. For service of notices (clerk's time) - - -	0	2	6
3. For travelling per mile (one way) - - -	0	0	3
4. For obtaining summonses and orders (clerk's time) -	0	2	6
5. For cost of each summons or order - - -	0	3	0

Where there are two or more adjoining or nearly contiguous structures in the same ownership—

For Nos. 2 and 4 (above) each - - -	0	2	0
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The fees payable upon ten structures shall be the maximum fees.

ON DILAPIDATED AND NEGLECTED BUILDINGS OR STRUCTURES.

A.D. 1894.

	£	s.	d.
1. For each inspection of the building or structure and report - - - - -	0	5	0
2. For obtaining summons and order (clerk's time) - - - - -	0	2	6
3. For cost of each summons or order - - - - -	0	2	0
4. For attendance at a court to give evidence - - - - -	0	5	0
5. For every adjournment - - - - -	0	2	6
6. For supervision of works including report of officer in cases where the magistrate's order is executed by the Council - - - - -	0	5	0
7. For travelling per mile (one way) - - - - -	0	0	3
8. The cost of procuring local evidence to satisfy the magistrate that the condition of the structure is prejudicial to the property or to the inhabitants of the neighbourhood is to be considered separately in each case.			

Where there are two or more adjoining or nearly contiguous structures in the same ownership—

For Nos. 1 4 or 6 (above) each - - - - -	0	3	0
For Nos. 2 or 5 (above) each - - - - -	0	2	0
The fees payable upon ten structures shall be the maximum fees.			
For travelling per mile (one way) - - - - -	0	0	3

REGULATIONS.

1. The fees specified in this Schedule in respect of works to a 'party-wall' comprise the fees payable in respect of both sides of the wall.
2. No fee shall be charged in respect of the fixing of a chimney pot.
3. No fee shall be charged in respect of the repairing of a chimney top unless the top has been pulled down to a greater extent than twelve inches.
4. No fee shall be charged in respect of the repairing of a parapet unless the parapet shall have been pulled down to a greater extent than twelve inches.
5. In calculating the area of every new building for the purposes of this Schedule the area of all outbuildings not exceeding thirty feet in area whether attached or not shall be included provided such outbuildings be erected at the same time as the main building.

A.D. 1894.

THE FOURTH SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 84. -	The Metropolitan Building Act 1844.	So much as is unrepealed.
18 & 19 Vict. c. 120. -	The Metropolis Management Act 1855.	Section one hundred and forty-two and in section two hundred and two the words "the plans level" "width surface inclination and" and the words "and the plans" "and level of sites for building."
18 & 19 Vict. c. 122. -	The Metropolitan Building Act 1855.	The whole Act.
23 & 24 Vict. c. 52. -	The Metropolitan Building Act (Amendment) 1860.	The whole Act.
24 & 25 Vict. c. 87. -	The Metropolitan Building Amendment Act 1861.	The whole Act.
25 & 26 Vict. c. 102. -	The Metropolis Management Amendment Act 1862.	Sections seventy-four seventy-five seventy-six eighty-five eighty-seven ninety-eight and ninety-nine.
32 & 33 Vict. c. 82. -	The Metropolitan Building Act 1869.	The whole Act.
34 & 35 Vict. c. 39. -	The Metropolitan Building Act 1871.	The whole Act.
41 & 42 Vict. c. 32. -	The Metropolis Management and Building Acts Amendment Act 1878.	Sections four six seven eight nine ten fourteen fifteen sixteen seventeen eighteen nineteen twenty twenty-one from "and the district" "surveyor" to "such house" "building erection or work" and the words "or surveyor" section twenty-two so far as it relates to any notice or order served or made under any provision repealed by this Act section twenty-three from "and every penalty imposed" "by Part II." to "Acts amending" "the same" section twenty-five in section twenty-six the words "or in any byelaw of the board" "thereunder" and in section twenty-seven the words "or in" "any byelaw thereunder made."
45 & 46 Vict. c. 14. -	The Metropolis Management and Building Acts (Amendment) Act 1882.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
53 & 54 Vict. c. ccxliii.	The London Council (General Powers) Act 1890.	Sections twenty-seven to thirty-one and sections thirty-three to thirty-seven.
54 & 55 Vict. c. lxxviii.	The London Sky Signs Act 1891.	The whole Act.
56 & 57 Vict. c. ccxxi.	The London County Council (General Powers) Act 1893.	Sections five to nine and section seventeen.

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