



CHAPTER xcvi.

An Act to amend the enactments relating to streets buildings and structures in London.

[4th August 1939.]

WHEREAS by the London Building Act 1930 the enactments relating to streets and buildings in London were consolidated: 20 & 21
Geo. 5.
c. clviii.

And whereas by the London Building Act (Amendment) Act 1935 provision was made inter alia for the regulation and control by means of byelaws of certain matters relating to the construction of buildings and structures and for such byelaws to operate in substitution for certain provisions of the said Act of 1930: 25 & 26
Geo. 5.
c. xcii.

And whereas it is expedient that further provisions of the said Act of 1930 should be amended and that other provisions thereof should be repealed and re-enacted:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

INTRODUCTORY.

Short title construction and citation. 1. This Act may be cited as the London Building Acts (Amendment) Act 1939 and shall be read and construed as one with the London Building Acts 1930 and 1935 and may be cited with those Acts as the London Building Acts 1930 to 1939.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—

- Part I.—Introductory.
- Part II.—Naming and numbering of streets buildings &c.
- Part III.—Construction of buildings.
- Part IV.—Special and temporary buildings and structures.
- Part V.—Means of escape in case of fire.
- Part VI.—Rights &c. of building and adjoining owners.
- Part VII.—Dangerous and neglected structures.
- Part VIII.—Sky signs.
- Part IX.—Superintending architect district surveyors and fees.
- Part X.—Byelaws.
- Part XI.—Legal proceedings.
- Part XII.—Miscellaneous.

Commencement of Act. 3. This Act shall come into operation on the first day of January nineteen hundred and forty.

Interpretation. 4.—(1) In this Act save as is otherwise expressly provided therein and unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ Act of 1930 ” means the London Building Act 1930;

“ Act of 1935 ” means the London Building Act (Amendment) Act 1935;

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

PART I.
—cont.

“builder” means the person who is employed to build or to execute work to in or upon a building or structure or where no person is so employed the owner of the building or structure;

“cubical extent” in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or lift gear or any like apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof;

“district surveyor” means any person appointed or deemed to be appointed under this Act to the office of district surveyor and includes any person who under this Act is appointed to act as the deputy to any district surveyor so appointed or to act temporarily as a district surveyor in respect of the time during which he so acts;

“domestic building” includes a dwelling-house and any other building not being either a public building or a building of the warehouse class and for the purposes of Part V (Open spaces about buildings and height of buildings) of the Act of 1930 includes also a building (whether a public building or not) which is used wholly or partly as an hotel or hospital or as a school college or other place of instruction;

“existing district surveyor” means a person who at the commencement of this Act holds the office of district surveyor;

“functions” includes powers and duties;

“height” in relation to any building means the measurement taken at the centre of the face of the building from the level of the footway

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART I.
—cont.

immediately in front of such face or where there is no such footway from the level of the ground before excavation to the level of the top of the parapet or where there is no parapet to the level of the top of the external wall or in the case of a gabled building to the level of the base of the gable;

“inhabited” in relation to any room means that the room is one in which some person passes the night or which is used as a living room or with respect to which there is a presumption until the contrary is shown that some person passes the night therein or that it is used as a living room;

“London Building Acts” means the Act of 1930 the Act of 1935 and this Act;

“metropolitan borough council” in relation to any building structure place land or thing or any proposed building structure or thing means the council of the metropolitan borough within which the building structure place land or thing is or the proposed building structure or thing will be;

“noxious business” means any business which is referred to in section 140 of the Public Health (London) Act 1936 or is in pursuance of that section declared to be an offensive business but does not include the business of a soap boiler tallow melter knacker fellmonger tripe boiler or slaughterer of cattle or horses;

“occupier” (except in Part V (Means of escape in case of fire) of this Act) does not include a lodger and the expressions “occupy” and “occupation” shall be construed accordingly;

“party fence wall” means a wall (not being part of a building) which stands on lands of different owners and is used or constructed to be used for separating such adjoining lands but does not include a wall constructed on the land of one owner the artificially formed support of which projects into the land of another owner;

“party structure” means a party wall and also a floor partition or other structure separating

26 Geo. 5. &
1 Edw. 8.
c. 59.

2 & 3 GEO. 6. *London Buildings Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

PART I.
—cont.

buildings or parts of buildings approached solely by separate staircases or separate entrances from without;

“party wall” (except in Part VI (Rights &c. of building and adjoining owners) of this Act) means so much of a wall which forms part of a building as is used or constructed to be used for separating adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons together with the remainder (if any) of the wall vertically above such before-mentioned portion of the wall;

“public building” means—

(a) a building used wholly or partly as a church chapel or other place of public worship (not being a dwelling-house so used) or as a public assistance institution or public library or as a place for public entertainments public balls public dances public lectures or public exhibitions or otherwise as a place of public assembly; or

(b) a building of a cubical extent exceeding two hundred and fifty thousand cubic feet which is used wholly or partly as an hotel or hospital or as a school college or other place of instruction;

and includes the buildings and premises of the Stock Exchange within the city;

“railway company” includes the London Passenger Transport Board in respect of the railway undertaking of that board and also includes any statutory committee of railway companies;

“superintending architect” means the person appointed under the London Building Acts as the superintending architect of metropolitan buildings for the time being and includes any person duly appointed as deputy to the superintending architect in respect of the time during which he so acts;

“tribunal of appeal” means the tribunal of appeal constituted in accordance with the provisions of this Act;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART I.
—*cont.*

(2) The definitions assigned by section 5 (Definitions) of the Act of 1930 to the following terms being terms "builder" "cubical extent" "district surveyor" "domestic building" "height" "inhabited" "noxious business" "occupier" "party fence wall" "party structure" "party wall" "public building" "superintending architect" and "tribunal of appeal" and the definitions assigned by the said section 5 to the terms "base" "bressummer" "certified building" "cross wall" "fire-resisting materials" "first storey" "foundation" "girder" "high building" "pillar" and "upper storey" shall cease to have effect except as regards anything done or begun or any proceeding instituted before the commencement of this Act.

(3) Any reference in this Act to byelaws made in pursuance of the London Building Acts shall be construed as including a reference to byelaws made or having effect as if made in pursuance of any of those Acts.

(4) Any reference in the London Building Acts to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II.

NAMING AND NUMBERING OF STREETS BUILDINGS &C.

Giving of
names to
streets &c.

5. Subject to the provisions of section 6 (Assigning of names to streets &c.) of this Act a name shall not be given to a street way place row of houses or block of buildings—

(a) unless at least one month's notice of the intended name has been given to the Council;

(b) if the Council within one month of the giving of such notice have given notice to the person by whom such first-mentioned notice was given stating that they object to the intended name;

and it shall not be lawful to set up any name as the name of any street way place row of houses or block of buildings until the expiration of one month after receipt by the Council of the notice referred to in paragraph (a) of this section or to set up any name objected to as aforesaid.

6.—(1) The Council may by order assign any name which they think fit to any street way place row of houses or block of buildings whether or not in substitution for a name already given or assigned.

PART II.
—cont.
Assigning of
names to
streets &c.

(2) Before making an order under this section the Council shall give notice of their intention of so doing to the local authority and shall also at their option either cause notice of their intention to be posted in some conspicuous position in the street way or place or adjacent to the row of houses or block of buildings as the case may be or give notice of their intention by circular delivered at every building situate in the street way or place or forming part of the row of houses or block of buildings as the case may be.

(3) Every such notice shall state the manner in which and the time (being not less than one month after the date of the notice) within which objections to the intended order may be sent to the Council and the Council shall before making the order consider any objection so sent to them and may if they think fit having regard to any such objection amend any name which they have proposed to assign.

7. The Council shall inform the local authority—

Notification
to local
authority as
to names of
streets &c.

(a) of the intended name of a street way place row of houses or block of buildings of which they have under section 5 (Giving of names to streets &c.) of this Act received notice if on the expiration of one month they have not given notice under that section of objection to that name; and

(b) of any name which they have under section 6 (Assigning of names to streets &c.) of this Act by order assigned to any street way place row of houses or block of buildings.

8.—(1) Subject to the provisions of this section the local authority shall cause the name lawfully given or assigned to every street way place row of houses or block of buildings to be set up and kept set up in accordance with any regulations made in pursuance of section 9 (Regulations as to setting up of names of streets &c.) of this Act.

Setting up
of names of
streets &c.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART II.
—*cont*

(2) Where a name has been given or an order has been made assigning a name to a block of buildings in pursuance of this Part of this Act the local authority shall give notice to the owner of the block of buildings requiring him to set up in accordance with regulations as aforesaid the name so given or ordered and in the case of an order assigning a name to the block of buildings in substitution for a name already given or assigned to remove within such time as may be specified in the notice any name of the block of buildings which differs from that mentioned in the order.

(3) Whenever the marking of a name lawfully given or assigned to a block of buildings is destroyed pulled down defaced obliterated or obscured the owner of the block of buildings shall within the time specified in a notice from the local authority requiring him so to do renew the marking in accordance with regulations as aforesaid.

(4) If any notice by a local authority in pursuance of this section is not complied with the local authority shall cause the name of the block of buildings to be set up or renewed in accordance with regulations as aforesaid and any name of the block of buildings which differs from that mentioned in the order to be removed.

Regulations
as to setting
up of
names of
streets &c.

9. The Council shall make regulations with respect to the setting up of the names of streets ways places rows of houses or blocks of buildings and matters in connection therewith and without prejudice to the generality of the foregoing provision such regulations may provide for the name to be placed on part of a building or structure and in such position thereon as may be prescribed by the regulations.

Wrongful
setting up of
names of
streets &c.

10. No person shall—

- (a) set up in or on any street way place row of houses or block of buildings as the case may be any name thereof different from the name lawfully given or assigned thereto;
- (b) set up in or on any street way place row of houses or block of buildings the name thereof except in accordance with any regulations made in pursuance of section 9 (Regulations as to setting up of names of streets &c.) of this Act;

2 & 3 GEO. 6. *London Building Acts* **Ch. xcvi.**
(Amendment) Act, 1939.

- (c) place or affix any notice or advertisement within twelve inches of any marking of the name of a street way place row of houses or block of buildings lawfully set up;
- (d) otherwise than for the purpose of renewing the same destroy pull down deface obliterate or obscure or permit or suffer to be destroyed pulled down defaced obliterated or obscured any marking of the name of a street way place row of houses or block of buildings lawfully set up :

PART II.
—cont.

Provided that paragraph (d) of this section shall not apply where the marking is destroyed pulled down defaced obliterated or obscured in connection with the demolition alteration or erection of a building or structure or any part thereof if notice of the intention so to do is given to the local authority not less than three days before the marking is destroyed pulled down defaced obliterated or obscured.

11.—(1) The Council may order that any buildings in any street way place row of houses or block of buildings shall for the purpose of distinguishing them be marked (whether already marked by a number or name or not) with such numbers or names or numbers and names as may be specified in the order or shown upon a plan referred to in the order and that any existing numbers or names which differ from those specified in the order shall be abolished.

Numbering
or naming of
buildings.

(2) For the purpose of subsection (1) of this section a number followed by a letter or a fraction shall be deemed to be a number.

(3) Where a name has been given otherwise than in pursuance of subsection (1) of this section to a building and is in the opinion of the Council unsuitable or likely to cause delay or inconvenience in executing any public service they may without prejudice to the exercise from time to time of the powers of the Council under the said subsection (1) by order assign a name to the building in substitution for such first-mentioned name.

(4) (a) Before making an order under this section as respects the substitution of a name of a building

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART II. for an existing name thereof the Council shall give
—cont. notice of their intention of so doing to the owner of the
building.

(b) Every such notice shall state the manner in which and the time (being not less than one month after the date of the notice) within which objections to the intended order may be sent to the Council and the Council shall before making the order consider any objection so sent to them and may if they think fit having regard to any such objection amend any name which they have proposed to assign.

(5) Whenever the Council have made an order under this section 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 into effect.

(6) The local authority shall give notice to the owner or occupier of every building to which an order made by the Council under this section relates requiring him to mark the building or some part of the premises of which the building forms part with the number or name or number and name which the Council have ordered in accordance with any regulations made in pursuance of section 12 (Regulations as to marking of numbers and names of buildings) of this Act and to remove within such time as may be specified in the notice any number or name marked on the building or on the premises of which the building forms part which differs from that specified in the order.

(7) Whenever the marking of a number or name or number and name of a building assigned by an order of the Council is destroyed pulled down defaced obliterated or obscured the owner or occupier of the building shall within the time specified in a notice from the local authority requiring him so to do renew the marking in accordance with regulations as aforesaid.

(8) If any notice by a local authority in pursuance of this section is not complied with the local authority shall cause the number or name or number and name of the building to be marked in accordance with regulations as aforesaid and any number or name which differs from that specified in the order to be removed.

(9) So much of this section as relates to names shall not apply— PART II.
—cont.

- (a) to a theatre cinematograph theatre or music hall; or
- (b) to premises which are at the date of the passing of this Act licensed for the sale of intoxicating liquor for consumption on the premises or any premises erected in substitution therefor so long as the premises are so licensed.

12. The Council shall make regulations with respect to the marking of the numbers or names or numbers and names of buildings in a street way place row of houses or block of buildings and without prejudice to the generality of the foregoing provision such regulations may provide for the number or name or number and name of any building to be marked in some appropriate position either on the building or on some part of the premises of which the building forms part as may be prescribed by the regulations. Regulations as to marking of numbers and names of buildings.

13. No person shall—

- (a) mark on any building or on the premises of which the building forms part any number or name thereof— Offences as to numbering or naming of buildings.
 - (i) different from a number or name lawfully given thereto or ordered in respect thereof; or
 - (ii) except in accordance with any regulations made in pursuance of section 12 (Regulations as to marking of numbers and names of buildings) of this Act;
- (b) otherwise than for the purpose of renewing the same destroy pull down deface obliterate or obscure or permit or suffer to be destroyed pulled down defaced obliterated or obscured the marking of any number or name as the case may be lawfully given to or ordered in respect of any building:

Provided that—

- (A) where any premises are used for the purposes of any commercial undertaking (including any theatre cinematograph theatre or music hall or any premises which are at the

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART II.
cont.

date of the passing of this Act licensed for the sale of intoxicating liquor for consumption on the premises or any premises erected in substitution therefor so long as the premises are so licensed) proceedings for an offence under subparagraph (ii) of paragraph (a) of this section shall not be taken by reason only of the fact that the name lawfully given to the building in addition to being marked thereon or affixed thereto in accordance with any regulations made in pursuance of section 12 (Regulations as to marking of numbers and names of buildings) of this Act is also marked otherwise than in accordance with such regulations if such additional marking does not obscure or obliterate the name as marked or affixed to the building in accordance with such regulations;

- (B) paragraph (b) of this section shall not apply where the marking of the number or name or number and name as the case may be of a building is destroyed pulled down defaced obliterated or obscured in connection with the demolition alteration or erection of a building or any part thereof if notice of the intention so to do is given to the local authority not less than three days immediately before the marking of the number or name or number and name as the case may be is destroyed pulled down defaced obliterated or obscured.

Record of
names of
streets &c.
and num-
bers or
names of
buildings.

14.—(1) The Council shall keep a record of—

- (a) the names lawfully given or assigned to streets ways places rows of houses or blocks of buildings; and
(b) the numbers or names or numbers and names with which they order buildings to be marked;

and such record shall be kept in such form as to show—

- (i) as respects alterations in the names of streets made by order or resolution since the first

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

day of January eighteen hundred and fifty-six the date of the order or resolution by which such alteration was made and as respects names assigned to streets ways places rows of houses or blocks of buildings after the commencement of this Act the date of the order assigning the name and the immediately previous name or names (if any) borne by the street way place row of houses or block of buildings; and

PART II.
—cont.

- (ii) the date of the order assigning numbers or names or numbers and names to buildings or assigning a name to a building in substitution for another name and the immediately previous numbers and names (if any) of the buildings.

(2) It shall upon payment of such reasonable fee as the Council may from time to time determine be lawful—

- (a) for any person at any reasonable hour to inspect such record and to take a copy of any portion thereof; and
(b) for the Council to furnish a copy or information as to the contents of any portion of such record to any applicant.

15.—(1) Proceedings for the recovery of a fine in respect of any contravention of or failure to comply with the provisions of section 10 (Wrongful setting up of names of streets &c.) or section 13 (Offences as to numbering or naming of buildings) of this Act may be taken by the local authority.

(2) Where a local authority are required or empowered by this Part of this Act in default of any other person to cause the name of a block of buildings or a number or a name or a number and name of a building to be set up marked renewed or removed they may recover the expenses of so doing from the owner or owners of the block of buildings or part thereof or the owner or occupier of the building as the case may be.

(3) All powers rights and remedies given to a local authority by this Part of this Act shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by any other Act.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART III.

CONSTRUCTION OF BUILDINGS.

Use of
external
wall as
party wall.

16. An external wall or part of an external wall shall not be used as a party wall unless it conforms as a party wall with the requirements of the London Building Acts and with any byelaws made in pursuance of those Acts.

Alterations
to party
walls.

17.—(1) Except in accordance with the provisions of the London Building Acts and any byelaws made in pursuance of those Acts an opening shall not without the consent of the Council be made in any party wall :

Provided that as respects any opening existing at the passing of this Act in such portion of a party wall as does not separate adjoining buildings nothing in this subsection shall in the event of such wall being demolished and reconstructed but subject always to the provisions of section 21 (Uniting of buildings) of this Act prevent the making (in pursuance of the exercise of any easement of light or other easement existing at the said date in or relating to the party wall) in the wall so reconstructed of an opening of the same size and in the same position as the opening existing at the said date in the party wall demolished and the proof of the existence at the said date of any opening in such a party wall and of any easement in or relating to the party wall shall lie on the builder.

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

Bay
windows
oriel
windows
and turrets.

18. Unless the Council otherwise consent no bay window oriel window or turret shall be constructed in any building so that it is in any part nearer to the centre of any party wall than the extreme extent of the projection from the building of the bay window oriel window or turret.

Roof
drainage.

19.—(1) Unless the Council after consultation with the local authority otherwise consent the roof of every building and every projecting window balcony verandah shop front or other similar projection shall be so arranged and constructed and so supplied with gutters

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

and pipes as to prevent the water therefrom from dropping upon or running over any public way : PART III.
—cont.

Provided that the requirements of this subsection shall not apply to any shop front which does not project more than ten inches beyond the external wall of the building to which it belongs.

(2) The provisions of the foregoing subsection shall not prejudice or affect the powers of the local authority under section 37 (For preventing water flowing on footpath) of the London County Council (General Powers) Act 1928.

20.—(1) Unless the Council otherwise consent—

(a) no building shall be erected with a storey or part of a storey at a greater height than—

(i) one hundred feet; or

(ii) eighty feet if the area of the building exceeds ten thousand square feet;

(b) no building of the warehouse class and no building or part of a building used for purposes of trade or manufacture shall be of a cubical extent exceeding two hundred and fifty thousand cubic feet unless it is divided by division walls in such manner that no division of the building or part of the building as the case may be is of a cubical extent exceeding two hundred and fifty thousand cubic feet :

Provided that the Council shall not withhold consent under paragraph (a) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for lessening so far as is reasonably practicable danger from fire in the building.

(2) In granting consent under this section the Council may without prejudice to any other power to attach terms and conditions to the consent give the consent subject to conditions restricting the user of the building or part of the building or relating to the provision and maintenance of proper arrangements for lessening so far as is reasonably practicable danger from fire in the building or part of the building.

18 & 19
Geo. 5.
c. lxxvii.

Precautions
against fire
in certain
buildings
and cubical
extent of
buildings.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
 (Amendment) Act, 1939.

PART III.
—*cont.*

(3) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(4) The provisions of this section shall not apply to any building which being at a greater distance than two miles from Saint Paul's Cathedral is used solely for the manufacture of the machinery and boilers of steam vessels or for a retort house and which consists of one floor only and is constructed throughout of brick stone iron or other incombustible materials.

**Uniting of
buildings.**

21.—(1) Buildings shall be deemed to be united when any opening is made in the party wall or the external walls separating the buildings or when the buildings are so connected that there is access from one building to the other without passing into the external air and a building shall be deemed to be united with an underground railway station when the building and the underground railway station are so connected that there is access from the building to the underground railway station without passing into the external air.

(2) Buildings shall not without the consent of the Council be united unless they are wholly in one occupation and when so united and considered as one building would be in conformity with the London Building Acts and any byelaws made in pursuance of those Acts.

(3) A building (not being part of a railway station) shall not without the consent of the Council be united with an underground railway station unless the building to be united is solely in the occupation of the railway company to whom the underground railway station belongs and the means of access between the building and the station is afforded by a doorway in the building opening into a passage or subway used solely as an approach to or exit from the underground railway station and a lobby inside the building leading from the doorway and unless—

(a) the floor jambs and head of the doorway and the floor ceiling and enclosures of the lobby are

constructed of incombustible materials not less than three inches in thickness;

- (b) the full extent of the opening of the doorway and the entrance to the lobby inside the building are each fitted with self-closing doors possessing such a degree of resistance to the action of fire as the Council may determine;
- (c) the doors open inwards towards the building and with the doorways and lobby are so constructed fitted and maintained as to form when closed a watertight separation between the building and the said passage or subway.

(4) Unless the Council otherwise consent an opening shall not be made in any division wall separating divisions of a building of the warehouse class or used for purposes of trade or manufacture or in any party wall or in two external walls separating such buildings in any case in which such divisions or buildings (as the case may be) if taken together would extend to more than two hundred and fifty thousand cubic feet except under the following conditions :—

- (a) the opening shall have the floor jambs and head formed of brick stone iron or other incombustible materials and be closed by two wrought iron or mild steel doors sliding doors or shutters each not less than one-fourth of an inch thick in the panel at a distance from each other of the full thickness of the wall fitted to grooved or rebated iron frames without woodwork of any kind and all such doors sliding doors and shutters shall be fitted with sufficient and proper bolts or other fastenings and be capable of being opened from either side and shall have on each face thereof styles and rails at least four inches wide and one-fourth of an inch thick and shall be constructed fitted and maintained in an efficient condition;
- (b) the opening shall not exceed in width seven feet or in height eight feet and the width of any such opening in any wall of a storey (or if there is more than one such opening in any such wall the widths of all such openings taken together) shall not exceed one-half of the length of the wall :

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

PART III.
—*cont.*

Provided that any such opening may be nine feet six inches in height in a wall of which the thickness is not less than twenty-four inches or where the doors sliding doors or shutters closing the opening are placed at a distance of not less than twenty-four inches from each other.

(5) Whenever it is proposed in respect of any buildings which were united when they were in one occupation that they shall be in more than one occupation the owner thereof or if the buildings are the property of different owners then each of the owners shall thereupon give notice of the intended change of occupation to the district surveyor and unless the Council consent to the retention of the openings by which the buildings are united shall before the buildings are occupied by more than one occupier cause all such openings to be stopped up with brick or stone work not less in thickness than thirteen inches or (when the wall is of a less thickness than thirteen inches) than the thickness of the wall and properly bonded or otherwise united with the wall and shall cause to be removed any timber placed in the wall in connection with such openings and not in conformity with the London Building Acts or any byelaws made in pursuance of those Acts.

(6) Notwithstanding the existence in any party wall or two external walls or in any division wall of an opening uniting buildings or affording communication between divisions of a building (as the case may be) the provisions of this section shall extend and apply to—

- (a) all openings at any time after the thirty-first day of July nineteen hundred and eight made or proposed to be made in any such wall or walls; and
- (b) to such buildings as if they had not been previously united.

Division walls
to be subject
to provisions
relating to
party walls.

22. The provisions of the London Building Acts and of any byelaws made in pursuance of those Acts with respect to party walls shall apply to such division walls as are referred to in this Part of this Act.

Separation
of buildings.

23. A building separated from any adjoining building by a proper party structure shall be deemed to be properly separated from such building.

24.—(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.

PART III.
—cont.
Ventilation
of staircases.

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

(3) So much of subsection (4) of section 12 (Repeals) of the Act of 1935 as relates to section 74 (Ventilation of staircases) of the Act of 1930 applies to this section as it applies to the said section 74.

25. In every public building the floors of the lobbies corridors passages and landings and the flights of stairs shall be constructed of and carried by supports possessing such a degree of resistance to the action of fire as the Council may determine.

Accesses
and stairs
in public
buildings.

26.—(1) Subject to the provisions of this section and notwithstanding anything in the London Building Acts or any byelaws made in pursuance of those Acts every public building including the walls roofs floors galleries and staircases and every structure and work constructed or done in connection with or for the purposes of the same shall be constructed in such manner as may be approved by the district surveyor or determined by the tribunal of appeal.

Con-
struction of
public
buildings.

(2) (a) The Council may from time to time prescribe standards of stability and fire protection in relation to the construction of public buildings or any class of public buildings or parts of public buildings and of any structure or work in connection with public buildings and such standards may differ as respects different classes of public buildings or parts of public buildings or structures or works as aforesaid.

(b) The Council may on the application of the district surveyor relax in relation to any particular public building or part of a public building any of the standards prescribed by them in pursuance of this section.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART III.
—*cont.*

(c) A district surveyor in exercising the powers of subsection (1) of this section shall require any standards so prescribed to be observed except in so far as such standards may be relaxed by the Council but nothing in this subsection shall—

- (i) prevent the district surveyor from requiring in such public buildings or parts of buildings or any structure or work in connection with or for the purposes of the same as he thinks fit a standard higher than that prescribed by the Council; or
- (ii) prejudice the powers of the district surveyor under this section as respects so much of the construction of such public buildings parts of buildings structures or works as is not subject to the standards prescribed by the Council in pursuance of this section; or
- (iii) prejudice the powers of the tribunal of appeal under this section.

(3) Except as respects the rules of construction of the building every public building shall throughout the London Building Acts be deemed to be included in the expression “building” and be subject to all the provisions of those Acts in the same manner as if it were a building other than a public building.

(4) No building shall be used as a public building until the district surveyor has certified or the tribunal of appeal has determined that it accords with subsection (1) of this section and after the district surveyor has so certified or the tribunal of appeal has so determined any work affecting or likely to affect the building shall not be done to in or upon the building without the approval of the district surveyor or the tribunal of appeal as the case may be.

Conversion
of buildings
into public
buildings.

27.—(1) Where it is proposed to convert any building into a public building the provisions of the London Building Acts and any byelaws made in pursuance of those Acts shall apply to the conversion and to any work affecting or likely to affect the building after such conversion as though it were the construction of a public building.

(2) For the purposes of this section a building shall be deemed to be converted into a public building if the purposes for which the building or a part thereof is used are changed to the purposes of a public building whether structural alterations are involved or not. PART III.
—cont.

28.—(1) Where a building—

- (a) erected after the thirty-first day of December eighteen hundred and ninety-four under or in or by enclosure of a railway arch or abutting thereon is constructed or adapted to be used for the purpose of human habitation; Buildings
under
railway
arches.
- (b) erected after the commencement of this Act under or in or by enclosure of a railway arch or abutting thereon is constructed or adapted to be used for purposes other than those of human habitation and is not wholly or in part occupied and used by the railway company to which the arch belongs for the railway purposes of their undertaking;

the London Building Acts and any byelaws made in pursuance of those Acts 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.

(2) For the purposes of this section a building erected by the enclosure of each railway arch shall be treated as a separate building.

(3) Nothing in this section shall authorise any interference with the structure of a railway arch.

PART IV.

SPECIAL AND TEMPORARY BUILDINGS AND STRUCTURES.

29. The provisions of this Part of this Act shall apply to— Application
of Part IV.

- (a) any building or structure not constructed or not intended to be constructed generally or substantially in conformity with the provisions of Part III (Construction of buildings) of this Act and of any byelaws made in pursuance of the London Building Acts;
- (b) any structure the construction of which is not regulated by the provisions of the said Part III and byelaws.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART IV.
—cont.
Consent to
special and
temporary
buildings
&c.

30.—(1) Notwithstanding the provisions of section 3 (Construction &c. of buildings and structures) of the Act of 1935 and subject to the provisions of this Part of this Act the Council may consent to the setting up erection or retention of a building or structure to which this Part of this Act applies and it shall not be lawful to set up erect or retain such a building or structure without consent under this Part of this Act.

(2) As respects any of the following buildings and structures to which this Part of this Act applies which is of a temporary character the provisions of subsection (1) of this section shall have effect as if the metropolitan borough council were named therein instead of the Council—

(a) any building or structure not exceeding two hundred square feet in area or seven feet six inches in height measured from the level of the ground on which the building or structure is or is to be erected to the underside of the eaves or roof plate but the Council and not the metropolitan borough council shall be the authority to grant consents as respects any such building or structure if—

(i) the setting up erection or retention of the building or structure would infringe any of the provisions of Part II (Formation and widening of streets) Part III (Lines of building frontage) or Part V (Open spaces about buildings and height of buildings) of the Act of 1930;

(ii) the setting up erection or retention of the building or structure is not in conformity with the provisions of any scheme or order for the time being in force under the Town and Country Planning Act 1932 or under any Act repealed by that Act and applicable to the metropolitan borough within which the building or structure is or the proposed building or structure will be;

(b) any temporary stand or similar structure of which the floor of the topmost tier does not exceed seven feet measured from the level of the footway in front of the centre of the face

22 & 23
Geo. 5. c. 48.

of the stand or similar structure or if there is no footway from the level of the ground immediately beneath such stand or similar structure and of which the load is not carried by the floor or any other part of another structure or a building;

- (c) any other structure (not being a building) wholly or mainly of wooden construction.

(3) No such building or structure as is referred to in paragraph (a) of subsection (2) of this section and in respect of which the metropolitan borough council are the authority to grant consents under this section shall—

- (i) be used for the storage or manipulation of inflammable materials or for the purposes of human habitation; or
- (ii) be united to a building or structure to which the provisions of Part III (Construction of buildings) of this Act and any byelaws made in pursuance of the London Building Acts relating to the construction of buildings or structures apply;

and the metropolitan borough council shall attach to their consent under the said paragraph conditions to that effect.

(4) Where in pursuance of paragraph (a) of subsection (2) of this section the metropolitan borough council are the authority to grant consents to the setting up erection or retention of a building or structure any consent as respects any building or structure which is to be used for the purposes of trade and any consent for a period exceeding three years shall unless the Council otherwise agree only be given after consultation with the Council.

(5) As respects—

- (i) any hoarding or similar structure (being affixed to a building) any part of which is at a height greater than seven feet measured from the level of the ground; or
- (ii) any hoarding or similar structure (not being affixed to a building or structure) in such a position as to prevent easy access for the purpose of proper inspection of the exterior of any building to which the hoarding or similar structure is adjacent :

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART IV.
—*cont.*

the metropolitan borough council shall attach to their consent under this section a condition providing for the submission to them at such successive periods as may be fixed by them of a certificate by the district surveyor as to the stability of the part of the building to which the hoarding or similar structure is affixed or to which it is adjacent.

(6) Where in pursuance of this section the metropolitan borough council are the authority to grant consents to the setting up erection or retention of a building or structure such building or structure shall be subject to the supervision of the metropolitan borough council and the provisions of section 83 (Service of building notices) of this Act shall not apply as respects such building or structure.

(7) The provisions of subsections (1) and (2) of this section shall not apply to—

- (a) any hoarding duly licensed by the local authority under any other Act;
- (b) any hoarding enclosing vacant land and not exceeding in any part twelve feet in height measured from the ground immediately beneath the face of the hoarding;
- (c) any structure of a moveable or temporary character erected by a builder for use for the purpose of the erection alteration or repair of any building unless the structure is not taken down or removed immediately after such erection alteration or repair;
- (d) any pile stack or store of timber not being a structure affixed or fastened to the ground.

(8) The provisions of this section shall not prejudice or affect the operation of section 35 (As to wooden structures) of the City of London (Various Powers) Act 1911 relative to wooden structures in the city or section 27 (Cloakrooms &c.) and section 104 (Shelters &c.) of the London Passenger Transport Act 1934 or section 89 (Shelters &c.) of the London Passenger Transport Act 1935 or section 65 (Refreshment shelters &c.) of the London Passenger Transport Act 1938.

1 & 2 Geo. 5.
c. lxxxiv.

24 & 25
Geo. 5. c. xcvi.
25 & 26
Geo. 5. c. cx.
1 & 2 Geo. 6.
c. xcii.

31. Where it is proved to the satisfaction of the court before which proceedings are taken by the Council or a metropolitan borough council under this Act that a person has—

PART IV.
—cont.
Power of
court to
make
orders.

- (a) set up erected or retained any building or structure to which this Part of this Act applies without having obtained the consent required thereby; or
- (b) contravened or failed to comply with any condition attached to such consent;

the court may notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order in writing directing that person to demolish or remove the building or structure or any part thereof or to comply with the condition within a time to be fixed by the order.

32. Notwithstanding anything in the London Building Acts or in any byelaws made in pursuance of those Acts open sheds not exceeding sixteen feet in height and not exceeding six squares in area may be constructed of any such materials and in such manner as may be approved by the district surveyor.

Open sheds.

PART V.

MEANS OF ESCAPE IN CASE OF FIRE.

33.—(1) In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

Interpreta-
tion of
Part V.

“ height ” in relation to a storey of a building means the level of the surface of the highest point of the floor of that storey measured at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or if there is no such footway from the level of the ground before excavation;

“ new building ” means any building—

(a) of which the actual erection above the footings or supporting concrete has not been bona fide and substantially begun at the commencement of this Act; or

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART V.
—cont.

(b) which having been destroyed by fire or other casualty or demolished pulled down or removed from any other cause to an extent exceeding one-half of the aggregate of the superficial areas of the enclosures (excluding party walls) and of the roof and of the floors of the building and is on or after that date reconstructed or commenced to be reconstructed wholly or partly on the same site; or

(c) of which the cubical extent has been increased on or after that date by new building work of an extent equal to or exceeding the cubical extent of the building as existing before that date; or

(d) which having been an old building has by reason of any alteration thereof or addition thereto on or after that date a storey at a height greater than forty-two feet;

“ old building ” means any building which is not a new building;

“ owner ” in relation to any premises means the person for the time being receiving the rackrent of the premises whether on his own account or as agent or trustee for any other person or who would so receive it if the premises were let at a rackrent;

“ plans ” means plans sections and elevations;

“ rackrent ” means rent which is not less than two-thirds of the full annual value of the premises and the full annual value shall be taken to be the annual rent which a tenant might reasonably be expected taking one year with another to pay for the premises if the tenant undertook to pay all usual tenant's rates and taxes and if the landlord undertook to bear the cost of the repairs and insurance and the other expenses (if any) necessary to maintain the premises in a state to command that rent.

(2) For the purposes of the definition of the expression “ new building ” in this section the measurement of the superficial area of the roof of a building shall

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

be taken in the manner set out in subsection (2) of section 136 (Buildings partially destroyed &c. or spaces roofed over to be buildings or structures) of this Act. PART V.
—cont.

34.—(1) Every new public building every new building which is constructed to be used or is used in whole or in part as a church chapel or other place of worship hall meeting room school classroom concert room dancing room or other place of assembly and every other new building— Protection against fire in certain new buildings.

- (a) which if of one storey exceeds six squares in area; or
- (b) which if of more than one storey has in the aggregate a total floor area exceeding ten squares (exclusive of any basement storey used solely for storage purposes); or
- (c) which has a storey at a greater height than twenty feet; or
- (d) in which more than ten persons are employed above the ground storey;

shall be provided in accordance with plans approved by the Council with all such means of escape therefrom in case of fire as in the circumstances of the case can be reasonably required:

Provided that—

- (i) as respects a building of the class referred to in paragraph (c) of this subsection which is not a building also of any of the other classes referred to in this subsection nothing in this subsection shall authorise the Council to require any means of escape from any storey which is not at a greater height than twenty feet;
- (ii) the provisions of this subsection shall not apply to—
 - (A) a building or part of a building in respect of which as a place of entertainment a licence is required from the Lord Chamberlain or the Council for that purpose; or

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART V.
—cont.

(B) a building being a dwelling-house exclusively used for human habitation which is not constructed—

(1) to be let in self-contained flats or tenements or in habitable rooms in different occupations; or

(2) as an hotel or boarding house;

and which does not contain a storey at a greater height than twenty feet.

(2) The owner of any building to which subsection (1) of this section applies shall before or at the same time as a building notice under section 83 (Service of building notices) of this Act in respect of the building is served on the district surveyor deposit at the County Hall a notice stating the matters and particulars which are required by that section to be stated in a building notice thereunder together with two copies (which may be sun-prints or photographic reproductions on paper) of the plans prepared for the new building showing so far as may be necessary for the purposes of this section the means of escape proposed to be provided in connection with the building.

(3) The Council at any time within a period of one month after the deposit of the plans—

(i) may refuse to approve the means of escape shown thereon in pursuance of this section; or

(ii) may approve such means of escape subject to such conditions (if any) as they think fit;

in either of which cases they shall within the said period give notice to the applicant stating their reasons for the refusal or for the imposition of the conditions as the case may be and if within that period the Council fail to give such a notice they shall be deemed to have approved the said means of escape unconditionally :

Provided that if in any case the said period would begin or expire on any day between the first day of August and the fourteenth day of September (both inclusive) the foregoing provisions of this subsection shall have effect as if there were therein substituted for the words "one month" the words "two months."

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

PART V.
—cont.

(4) No building or part of any building in respect of which building or part subsection (1) of this section requires means of escape to be provided shall be occupied or let for occupation until the Council have issued a certificate or the tribunal of appeal have determined that such building has been provided with means of escape in accordance with plans approved as aforesaid by the Council or the tribunal of appeal and that the conditions (if any) subject to which such plans were so approved have been complied with :

Provided that—

- (a) unless the Council within fourteen days after notice of completion of the building has been given to them by the owner notify to the owner that such a certificate as is mentioned in this subsection has been refused and the grounds of the refusal the certificate shall be deemed to have been duly issued; and
- (b) nothing in this subsection shall prevent—
 - (i) the continuous occupation during rebuilding of any portion of any building to which this subsection applies and which has been partially taken down burnt or destroyed; or
 - (ii) with the consent of the Council or the tribunal of appeal the occupation or the letting for occupation of any portion of any building to which this subsection applies pending the issue of a certificate as respects the whole of the building if the Council or the tribunal of appeal as the case may be are satisfied that reasonable means of escape have been provided from such portion of the building.

(5) Where any person has been convicted of an offence against this Act by reason of a contravention of the provisions of this section a court of summary jurisdiction may notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order prohibiting the occupation of the building or any part thereof in respect of which building or part subsection (1) of this section requires means of escape to be provided

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART V. and any such order may be at any time amended or
—*cont.* discharged by a further order of a court of summary
jurisdiction.

(6) The Council or the tribunal of appeal may in any case where it is reasonable so to do grant subject to such conditions (if any) as they think fit exemption as respects any building from all or any of the provisions of this section.

Protection
against fire
in certain
old build-
ings.

35.—(1) Where an old building—

(a) except a dwelling-house occupied as such by not more than one family—

(i) contains any storey which is at a greater height than forty-two feet; or

(ii) is a building in which sleeping accommodation is provided for more than twenty persons or which is occupied by more than twenty persons or in which more than twenty persons are employed; or

(b) is a building in which more than ten persons are normally employed at any one time above the first storey or on or above any storey which is at a greater height than twenty feet; or

(c) exceeds two storeys in height and contains any storey which is at a greater height than twenty feet and—

(i) is let in flats or tenements; or

(ii) is used as an inn hotel boarding house hospital nursing home boarding school children's home or other institution; or

(iii) is used as a restaurant shop store or warehouse and has on any storey above the ground storey any sleeping accommodation; or

(d) contains a place of assembly having a superficial area of not less than five hundred square feet;

the Council if in their opinion the building is not provided with proper and sufficient means of escape therefrom in case of fire may at any time serve upon the owner of the

building a notice requiring him to provide such means of escape as in the circumstances of the case can be reasonably required :

PART V.
—cont.

Provided that—

- (i) as respects a building of the class referred to in subparagraph (i) of paragraph (a) or in paragraph (c) of this subsection which is not also a building of any of the other classes referred to in this subsection nothing in this subsection shall authorise the Council to require any means of escape from any storey which is not at a greater height than twenty feet;
- (ii) the provisions of this subsection shall not apply to a building or part of a building in respect of which as a place of entertainment a licence is required from the Lord Chamberlain or the Council for that purpose;
- (iii) the provisions of this subsection shall not apply to any building or part of a building which has been provided with means of escape in accordance with the provisions of section 7 (Protection against fire in certain new buildings) or section 9 (Protection against fire in certain existing buildings) of the London Building Acts (Amendment) Act 1905 or section 96 (Protection against fire in certain new buildings) or section 97 (Protection against fire in certain old buildings) of the Act of 1930 so long as such means of escape are properly maintained.

5 Edw. 7
c. ccix.

(2) The notice under subsection (1) of this section shall specify in detail the requirements of the Council and the owner of the building shall subject to the provisions of this Act execute and do within such period as may be required by the Council or the tribunal of appeal all such works and things as may be necessary in order to comply with those requirements as made by the Council or as confirmed or varied by the tribunal of appeal :

Provided that if the owner within twenty-one days after the service of the notice has submitted to the Council alternative proposals for the provision of means

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART V.
—cont.

of escape and the Council have in writing accepted the proposals as satisfactory it shall not be necessary for the owner to comply with the requirements contained in the notice served upon him by the Council but he shall with all practicable dispatch after the acceptance of the proposals execute and do all such works and things as may be necessary in order to provide the means of escape specified in the proposals.

(3) Where any person has been convicted of an offence against this Act by reason of failure—

(a) to comply within the period required by the Council or the tribunal of appeal with any requirement made by the Council under this section or confirmed or varied by the tribunal of appeal; or

(b) to execute and do with all practicable dispatch after the acceptance of alternative proposals as aforesaid all such works and things as may be necessary to provide the means of escape specified in the proposals;

a court of summary jurisdiction may notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order prohibiting the occupation of the building or any storey or part thereof from which means of escape ought to have been provided in pursuance of this section and any such order may be at any time amended or discharged by a further order of a court of summary jurisdiction.

(4) The Council shall keep at the County Hall a register (which shall at all reasonable times be open to inspection without payment) of all orders made under this section.

(5) For the purpose of the calculation of the numbers referred to in paragraph (a) of subsection (1) of this section a lodger shall be deemed to be an occupier and “occupied” shall be construed accordingly.

Projecting
shops.

36.—(1) Where any portion of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which persons are employed or sleep the projecting portion of

the shop shall be provided by the owner with a roof possessing such a degree of resistance to the action of fire as the Council may determine :

PART V.
—cont.:

Provided that where the building abuts upon more than one street and any portion of the building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond any return front of the building the provisions of this section shall apply (in like manner as they apply to the portion so projecting beyond the main front of the building) to so much of the roof of the portion of the shop so projecting as lies between imaginary parallel lines drawn thereon throughout the whole depth of the projection of the building from points three feet in a horizontal direction on each side of any doorway or window in the wall adjacent to the projecting portion of the building being a doorway or window the use of which is reasonably necessary as a means of escape from the building in case of fire.

(2) Lantern lights skylights or ventilating cowls may be constructed or placed in or upon the roof of the portion of the shop so projecting :

Provided that—

- (a) no lantern light skylight or ventilating cowl shall be constructed or placed so that any part thereof will be nearer than six feet to the front of the building from which the shop projects or nearer than four feet to any external wall or party wall at the side of the flat roof; and
- (b) the lantern light skylight or ventilating cowl (including any glazing) shall possess such a degree of resistance to the action of fire as the Council may determine; and
- (c) no part of the lantern light skylight or ventilating cowl shall project for more than five feet above the roof in or upon which it is constructed or placed.

(3) The Council or the tribunal of appeal may in any case where it is reasonable so to do grant subject to such conditions (if any) as they think fit exemption as respects any building from all or any of the provisions of this section.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART V.
—cont.
Means of
access to
roofs.

37.—(1) Each of the following buildings (that is to say) :—

- (a) every old building to which section 36 (Projecting shops) of this Act applies;
- (b) every other old building (not being a building to which section 35 (Protection against fire in certain old buildings) of this Act applies) except a dwelling-house used exclusively for dwelling purposes by not more than ten persons;

shall if it has a storey at a greater height than twenty feet unless the Council otherwise consent be provided by the owner either—

- (i) with a window dormer window or door opening in each case in a suitable position approved by the district surveyor on to the roof with proper access thereto; or
- (ii) with a trap-door covered with incombustible material or with a skylight glazed with fire-resisting glass such trap-door or skylight being in or on the roof and providing means of access to the roof and in a suitable position approved by the district surveyor and being hung on hinges so as to admit of opening to the fullest extent and furnished with a counter-weight so as to ensure that it will open automatically when unfastened and also with a fixed or hinged step ladder leading to the roof; or
- (iii) with other means of access to the roof approved by the district surveyor;

and where reasonably practicable and necessary also with a parapet or guard-rail sufficient to prevent persons from slipping off the roof.

(2) A door or other means of closing any opening provided in pursuance of this section shall not be locked or fastened in such manner that it cannot be easily and immediately opened from the inside of the building.

Parts of
buildings
used for
storage of
inflammable
liquid.

38.—(1) Where any part of a building is used for the storage for purposes of sale or trade of any substance to which this section applies in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for the purposes hereinafter mentioned or in such manner as to be liable to

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

cause fire or explosion no person shall knowingly or wilfully use or permit to be used as a habitable room or as a place in which any person works any part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage or any part of the building used for such storage unless there are provided according to the requirements of the Council—

PART V.
—cont.

- (i) adequate safeguards to prevent the spread of fire to or from the part of the building used for such storage; and
- (ii) means of ready escape in case of fire from the part of the building used for such purposes as aforesaid and the part of the building used for such storage.

(2) The substances to which this section applies are petroleum within the meaning of the Petroleum (Consolidation) Act 1928 bisulphide of carbon ether turpentine methylated spirit any liquid which when tested by the method set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act 1928 or any sedimentary or viscous mixture which when tested by the method set forth in Part II of the schedule to the Petroleum (Mixtures) Order 1929 gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit.

18 & 19
Geo. 5. c. 32.

(3) Nothing in this section shall affect the jurisdiction of the common council under the Petroleum (Consolidation) Act 1928.

39. As respects any building to which the provisions of this Part of this Act apply or in respect of which means of escape have been provided in pursuance of the provisions of the London Building Acts (Amendment) Act 1905 or of Part VIII (Means of escape in case of fire) of the Act of 1930—

Consent to
alterations
&c. in
buildings.

- (a) no substantial alteration or addition of a structural character of or to the building;
- (b) no substantial increase in the number of persons occupied or employed or dwelling in the building; and
- (c) no change of circumstances in or affecting the building or of the use to which the building is put;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART V.
—cont.

which will substantially increase the risk of fire in the building or the difficulty of escaping therefrom in case of fire shall be made or effected without the consent of the Council.

Exemption
of owner
from
liability on
conviction
of actual
offender.

40.—(1) (a) Where the owner of a building is charged with an offence under this Act by reason of a contravention of the provisions of this Part of this Act he shall be entitled upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention to have the occupier or any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if after the commission of the offence has been proved the owner of the building proves to the satisfaction of the court—

- (i) that he has used all due diligence to enforce the execution of the provisions of this Part of this Act to which the charge relates and of any relevant notice or order given or made thereunder; and
- (ii) that the said occupier or other person had committed the offence in question without the consent connivance or wilful default of the owner of the building;

that occupier or other person may be convicted of the offence and the owner shall not be guilty of the offence and the person so convicted shall in the discretion of the court be also liable to pay any costs incidental to the proceedings.

(b) The prosecution shall have the right in any such case to cross-examine the owner if he gives evidence and any witnesses called by him in support of his charge and to call rebutting evidence.

(2) Where it is made to appear to the satisfaction of the Council at the time of discovering an offence—

- (i) that the owner of the building has used all due diligence to comply with the provisions of this Part of this Act or any requirements made thereunder; and
- (ii) by what person other than the owner the offence has been committed; and
- (iii) that it has been committed without the consent connivance or wilful default of the owner and in contravention of his orders;

2 & 3 GEO. 6. *London Buildings Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

the Council shall proceed against the person whom they believe to be the actual offender without first proceeding against the owner of the building.

PART V.
—cont.

41. Where the occupier of a building claims to have sustained any damage directly and solely caused by the construction of any works carried out under this Part of this Act the claim shall unless otherwise agreed be referred to arbitration and if damage be established the arbitrator shall determine how the damage shall be borne by the persons interested in the building having regard to all the circumstances of the case including the terms of any lease or contract affecting the building.

Arbitration
as to
incidence of
damage.

42. At any time within two months after—

- (a) the refusal or conditional grant by the Council of their approval of any plans deposited in pursuance of section 34 (Protection against fire in certain new buildings) of this Act or the refusal by the Council to issue a certificate under that section; or
- (b) the refusal by the Council under that section to consent to the occupation or the letting for occupation of a portion of a building; or
- (c) the refusal or conditional grant by the Council of any exemption which they are by that section empowered to grant; or
- (d) the service on the owner of a building of notice of any requirement of the Council under section 35 (Protection against fire in certain old buildings) of this Act; or
- (e) the refusal or conditional grant by the Council of any exemption which they are empowered to grant under section 36 (Projecting shops) of this Act or of any consent which they are empowered to grant under section 37 (Means of access to roofs) of this Act; or
- (f) the making of any requirement by the Council with respect to a building under section 38 (Parts of buildings used for storage of inflammable liquid) of this Act; or
- (g) the refusal of the consent of the Council under section 39 (Consent to alterations &c. in buildings) of this Act;

Appeals
under
Part V.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART V.
—*cont.*
the owner of the building to which the refusal conditional grant or requirement relates may appeal to the tribunal of appeal.

Exemption of certain buildings while used as factories. 1 Edw. 8. & 1 Geo. 6. c. 67.

43. Nothing in this Part of this Act shall empower the Council to require as regards any building while used in part as a factory within the meaning of the Factories Act 1937 means of escape in case of fire to be provided from or in respect of the part of such building so used if a certificate under section 34 of that Act in respect of that part is in force or the factory or part thereof is entitled under that section to receive a certificate for the purposes of that section.

PART VI.

RIGHTS &C. OF BUILDING AND ADJOINING OWNERS.

Interpretation of Part VI.

44. In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“foundation” in relation to a wall means the solid ground or artificially formed support resting on solid ground on which the wall rests;

“party wall” means—

(i) a wall which forms part of a building and stands on lands of different owners to a greater extent than the projection of any artificially formed support on which the wall rests; and

(ii) so much of a wall not being a wall referred to in the foregoing paragraph (i) as separates buildings belonging to different owners;

“special foundations” means foundations in which an assemblage of steel beams or rods is employed for the purpose of distributing any load.

Rights &c. of owners.

Rights of owners of adjoining lands where junction line not built on.

45.—(1) Where lands of different owners adjoin and are not built on at the line of junction or are built on at the line of junction only to the extent of a boundary wall (not being a party fence wall or the external wall

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

of a building) and either owner is about to build on any part of the line of junction the following provisions shall have effect:—

PART VI.
—cont.

(a) If the building owner desires to build on the line of junction a party wall or party fence wall—

(i) the building owner shall serve notice of his desire on the adjoining owner describing the intended wall;

(ii) if the adjoining owner consents in writing to the building of a party wall or party fence 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 and the expense of building the wall shall be from time to time defrayed by the two owners in due proportion regard being had to the use made or to be made of the wall by the two owners respectively and to the cost of labour and materials prevailing at the time when that use is made by each owner respectively;

(iii) if the adjoining owner does not consent in writing to the building of a party wall or party fence wall the building owner shall not build the wall otherwise than at his own expense and as an external wall or a fence wall as the case may be placed wholly on his own land;

(b) If the building owner desires to build on the line of junction a wall placed wholly on his own land he shall serve notice of his desire on the adjoining owner describing the intended wall;

(c) Where in either of the cases described in paragraphs (a) and (b) of this subsection the building owner builds a wall on his own land he shall have a right at his own expense at any time after the expiration of one month but not exceeding six months from the service of the notice to place on land of the adjoining owner below the level of such land any projecting footings and foundation making compensation to the adjoining owner or the

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART VI.
—cont.

adjoining occupier or both of them for any damage occasioned thereby the amount of the compensation in the event of difference to be determined in the manner provided in this Part of this Act.

(2) Nothing in this section shall authorise the building owner to place special foundations on land of the adjoining owner without his previous consent in writing.

Rights of owners of adjoining lands where junction line built on.

46.—(1) Where lands of different owners adjoin and at the line of junction the said lands are built on or a boundary wall being a party fence wall or the external wall of a building has been erected the building owner shall have the following rights :—

- (a) A right to make good underpin thicken or repair or demolish and rebuild a party structure or party fence wall in any case where such work is necessary on account of defect or want of repair of the party structure or party fence wall;
- (b) A right to demolish a timber or other partition which separates buildings belonging to different owners but is not in conformity with the London Building Acts or any byelaws made in pursuance of those Acts and to build instead a party wall in conformity therewith;
- (c) A right in relation to a building having rooms or storeys belonging to different owners intermixed to demolish such of those rooms or storeys or any part thereof as are not in conformity with the London Building Acts or any byelaws made in pursuance of those Acts and to rebuild them in conformity therewith;
- (d) A right (where buildings are connected by arches or structures over public ways or over passages belonging to other persons) to demolish such of those buildings arches or structures or such parts thereof as are not in conformity with the London Building Acts or any byelaws made in pursuance of those Acts and to rebuild them in conformity therewith;

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

PART VI.
—cont.

- (e) A right to underpin thicken or raise any party structure or party fence wall permitted by this Act to be underpinned thickened or raised or any external wall built against such a party structure or party fence wall subject to—
- (i) making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof; and
 - (ii) carrying up to such height and in such materials as may be agreed between the building owner and the adjoining owner or in the event of difference determined in the manner provided in this Part of this Act all flues and chimney stacks belonging to the adjoining owner on or against the party structure or external wall;
- (f) A right to demolish a party structure which is of insufficient strength or height for the purposes of any intended building of the building owner and to rebuild it of sufficient strength or height for the said purposes subject to—
- (i) making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof; and
 - (ii) carrying up to such height and in such materials as may be agreed between the building owner and the adjoining owner or in the event of difference determined in the manner provided in this Part of this Act all flues and chimney stacks belonging to the adjoining owner on or against the party structure or external wall;
- (g) A right to cut into a party structure subject to making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof;
- (h) A right to cut away any footing or any projecting chimney breast jamb or flue or other projection on or over the land of the building

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

PART VI.
—cont.

owner from a party wall party fence wall external wall or boundary wall in order to erect raise or underpin an external wall against such party wall party fence wall external wall or boundary wall or for any other purpose subject to making good all damage occasioned thereby to the adjoining premises or to the internal finishings and decorations thereof;

- (i) A right to cut away or demolish such parts of any wall or building of an adjoining owner overhanging the land of the building owner as may be necessary to enable a vertical wall to be erected against that wall or building subject to making good any damage occasioned thereby to the wall or building or to the internal finishings and decorations of the adjoining premises;
- (j) A right to execute any other necessary works incidental to the connection of a party structure with the premises adjoining it;
- (k) A right to raise a party fence wall to raise and use as a party wall a party fence wall or to demolish a party fence wall and rebuild it as a party fence wall or as a party wall.

(2) For the purposes of this section a building or structure which was erected before the commencement of this Act shall be deemed to be in conformity with the London Building Acts and any byelaws made in pursuance of those Acts if it is in conformity with the Acts and any byelaws made in pursuance of the Acts which regulated buildings or structures in London at the date at which it was erected.

(3) Nothing in this section shall authorise the building owner to place special foundations on land of the adjoining owner without his previous consent in writing.

Party
structure
notices.

47.—(1) Before exercising any right conferred on him by section 46 (Rights of owners of adjoining lands where junction line built on) of this Act a building owner shall serve on the adjoining owner notice in writing (in this Act referred to as a "party structure notice") stating the nature and particulars of the proposed work the time at which it will be begun and those particulars

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

shall where the building owner proposes to construct special foundations include plans sections and details of construction of the special foundations with reasonable particulars of the loads to be carried thereby.

PART VI.
—cont.

(2) A party structure notice shall be served—

(a) in respect of a party fence wall or special foundations at least one month; and

(b) in respect of a party structure at least two months;

before the date stated therein as that on which the work is to be begun.

(3) A party structure notice shall not be effective unless the work to which the notice relates is begun within six months after the notice has been served and is prosecuted with due diligence.

(4) Nothing in this section shall prevent a building owner from exercising with the consent in writing of the adjoining owner and of the adjoining occupiers any right conferred on him by section 46 (Rights of owners of adjoining lands where junction line built on) of this Act and nothing in this section shall require him to serve any party structure notice before complying with any notice served under the provisions of Part VII (Dangerous and neglected structures) of this Act.

48.—(1) After the service of a party structure notice the adjoining owner may serve on the building owner a notice in writing (in this Part of this Act referred to as “a counter notice”).

Counter notices.

(2) A counter notice—

(a) may in respect of a party fence wall or party structure require the building owner to build in or on the party fence wall or party structure as the case may be to which the notice relates such chimney copings breasts jambs or flues or such piers or recesses or other like works as may reasonably be required for the convenience of the adjoining owner;

(b) may in respect of special foundations to which the adjoining owner consents under subsection (3) of section 46 (Rights of owners of adjoining lands where junction line built

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI.
—cont.

on) of this Act require them to be placed at a specified greater depth than that proposed by the building owner or to be constructed of sufficient strength to bear the load to be carried by columns of any intended building of the adjoining owner or may include both of these requirements; and

(c) shall specify the works required by the notice to be executed and shall be accompanied by plans sections and particulars thereof.

(3) A counter notice shall be served—

(a) in relation to special foundations within twenty-one days after the service of the party structure notice; and

(b) in relation to any other matter within one month after the service of the party structure notice.

(4) A building owner on whom a counter notice has been served shall comply with the requirements of the counter notice unless the execution of the works required by the counter notice would be injurious to him or cause unnecessary inconvenience to him or unnecessary delay in the execution of the works pursuant to the party structure notice.

Dissent
from
notices.

49. If an owner on whom a party structure notice or a counter notice has been served does not within fourteen days thereafter express his consent thereto in writing he shall be deemed to have dissented from the notice and a difference shall be deemed to have arisen between the parties.

Under-
pinning.

50.—(1) Where a building owner—

(a) proposes to erect within ten feet from any part of a building of an adjoining owner a building or structure independent of the building of the adjoining owner and any part of the proposed building or structure will within the said ten feet extend to a lower level than the level of the bottom of the foundations of the building of the adjoining owner; or

- (b) proposes to erect within twenty feet from any part of an independent building of an adjoining owner a building or structure any part of which will within the said twenty feet meet a plane drawn downwards in the direction of the building or structure of the building owner at an angle of forty-five degrees to the horizontal from the line formed by the intersection of the plane of the level of the bottom of the foundations of the building of the adjoining owner with the plane of the external face of the external wall of the building of the adjoining owner;

PART VI.
—cont.

he may and if required by the adjoining owner shall subject to the provisions of this section at the expense of the building owner underpin or otherwise strengthen or safeguard the foundations of the building of the adjoining owner so far as may be necessary.

(2) In any case to which subsection (1) of this section applies the following provisions shall have effect:—

- (a) At least one month before beginning to erect a building or structure the building owner shall serve on the adjoining owner notice in writing of his intention so to do and that notice shall state whether he proposes to underpin or otherwise strengthen or safeguard the foundations of the building of the adjoining owner;
- (b) The said notice shall be accompanied by plans and sections showing the site of the building or structure proposed to be erected by the building owner and the depth to which he proposes to excavate;
- (c) Within fourteen days after service of the said notice the adjoining owner may serve notice in writing on the building owner that he disputes the necessity of or requires as the case may be the underpinning or strengthening or the safeguarding of the foundations of his building and if the adjoining owner serves such a notice a difference shall be deemed to have arisen between the building owner and the adjoining owner;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI.
—cont.

(d) The building owner shall compensate the adjoining owner and any adjoining occupier for any inconvenience loss or damage which may result to any of them by reason of any work executed in pursuance of this section.

(3) On completion of any work executed in pursuance of this section the building owner shall if so requested by the adjoining owner supply him with particulars including plans and sections of the work.

(4) Nothing in this section shall relieve the building owner from any liability to which he would otherwise be subject for injury to the adjoining owner or any adjoining occupier by reason of work executed by him.

Execution
of works.

51.—(1) A building owner shall not exercise any right conferred on him by this Part of this Act in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner or to the adjoining occupier.

(2) Where a building owner in exercising any right conferred on him by this Part of this Act lays open any part of the adjoining land or building he shall at his own expense make and maintain so long as may be necessary a proper hoarding shoring or fans or temporary construction for the protection of the adjoining land or building and the security of the adjoining occupier.

(3) Any works executed in pursuance of this Part of this Act shall—

(a) comply with the provisions of the London Building Acts and any byelaws made in pursuance of those Acts; and

(b) subject to the foregoing paragraph (a) be executed in accordance with such plans sections and particulars as may be agreed between the owners or in the event of difference determined in the manner provided in this Part of this Act and no deviation shall be made therefrom except such as may also be agreed between the parties or in the event of difference determined in manner aforesaid.

52. Where a building owner proposes to erect any building or structure or carry out any work in relation to a building or structure on land which abuts on a street or way less than twenty feet in width the following provisions shall have effect if the erection of the proposed building or structure or the carrying out of the work involves excavation to a depth of twenty feet or more below the level of the highest part of the land immediately abutting on the street :—

PART VI.
—cont.
Notice of excavation of sites abutting on narrow streets or ways.

- (a) Notices stating the place (being a place situate at a distance not greater than two miles of such land) at and the hours during which plans and sections of so much of the proposed building structure or work as relates to the excavation may be inspected shall be exhibited in a prominent position on the land or on any existing building or on the boundary wall fence or hoarding (if any) surrounding the said land or building and in such a manner as to be readily legible from every street or way on which the land abuts;
- (b) The notices shall be exhibited at least four weeks before any such work of excavation is begun and shall be maintained and where necessary renewed by the building owner until such work of excavation is begun;
- (c) The plans and sections referred to in the notices shall until the work of excavation is begun be open to public inspection without payment at the place and during such reasonable hours as are stated in the notice.

53.—(1) A building owner his servants agents and workmen may during usual working hours enter and remain on any premises for the purpose of executing and may execute any work in pursuance of this Part of this Act and may remove any furniture or fittings or take any other action necessary for that purpose.

Power of entry by building owner.

(2) If the premises are closed the building owner his servants agents and workmen may if accompanied by a constable or other police officer break open any fences or doors in order to enter the premises.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI.
—*cont.*

(3) Before entering any premises in pursuance of this section a building owner shall give to the owner and occupier of the premises—

- (a) in case of emergency such notice of his intention to enter as may be reasonably practicable;
- (b) in any other case fourteen days' notice of his intention to enter.

Saving for easements.

54. Nothing in this Part of this Act shall authorise any interference with any easement of light or other easement in or relating to a party wall or prejudicially affect the right of any person to preserve any right in connection with a party wall which is demolished or rebuilt and to take any necessary steps for that purpose.

Differences between owners.

Settlement of differences.

55. Where a difference arises or is deemed to have arisen between a building owner and an adjoining owner in respect of any matter connected with any work to which this Part of this Act relates the following provisions shall have effect:—

(a) Either—

(i) both parties shall concur in the appointment of one surveyor (in this section referred to as an "agreed surveyor"); or

(ii) each party shall appoint a surveyor and the two surveyors so appointed shall select a third surveyor (all of whom are in this section together referred to as "the three surveyors");

(b) If an agreed surveyor refuses or for ten days after a written request by either party neglects to act or if before the difference is settled he dies or becomes incapable of acting the proceedings for settling such difference shall begin de novo;

(c) If either party to the difference refuses or for ten days after a written request by the other party neglects to appoint a surveyor under subparagraph (ii) of paragraph (a) of this section that other party may make the appointment on his behalf;

EO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

PART VI.
—cont.

If before the difference is settled a surveyor appointed under subparagraph (ii) of paragraph (a) of this section by a party to the difference dies or becomes incapable of acting the party who appointed him may appoint another surveyor in his place who shall have the same power and authority as his predecessor;

- (e) If a surveyor appointed under subparagraph (ii) of paragraph (a) of this section by a party to the difference or if a surveyor appointed under paragraph (d) of this section refuses or for ten days after a written request by either party neglects to act the surveyor of the other party may proceed ex parte and anything so done by him shall be as effectual as if he had been an agreed surveyor;
- (f) If a surveyor appointed under subparagraph (ii) of paragraph (a) of this section by a party to the difference refuses or for ten days after a written request by either party neglects to select a third surveyor under paragraph (a) or paragraph (g) of this section the superintending architect or in cases where the Council is a party to the difference the Secretary of State may on the application of either party select a third surveyor who shall have the same power and authority as if he had been selected under paragraph (a) or paragraph (g) of this section;
- (g) If a third surveyor selected under subparagraph (ii) of paragraph (a) of this section refuses or for ten days after a written request by either party or the surveyor appointed by either party neglects to act or if before the difference is settled he dies or becomes incapable of acting the other two of the three surveyors shall forthwith select another surveyor in his place who shall have the same power and authority as his predecessor;
- (h) All appointments and selections made under this section shall be in writing;
- (i) The agreed surveyor or as the case may be the three surveyors or any two of them shall

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI.
—*cont.*

settle by award any matter which before the commencement of any work to which a notice under this Part of this Act relates or from time to time during the continuance of such work may be in dispute between the building owner and the adjoining owner;

- (j) If no two of the three surveyors are in agreement the third surveyor selected in pursuance of this section shall make the award within fourteen days after he is called upon to do so;
- (k) The award may determine the right to execute and the time and manner of executing any work and generally any other matter arising out of or incidental to the difference:

Provided that any period appointed by the award for executing any work shall not unless otherwise agreed between the building owner and the adjoining owner begin to run until after the expiration of the period prescribed by this Act for service of the notice in respect of which the difference arises or is deemed to have arisen;

- (l) The costs incurred in making or obtaining an award under this section and the cost of reasonable supervision of carrying out any work to which the award relates shall subject to the provisions of this section be paid by such of the parties as the surveyor or surveyors making the award determine;
- (m) The award shall be conclusive and shall not except as provided by this section be questioned in any court;
- (n) Either of the parties to the difference may within fourteen days after the delivery of an award made under this section appeal to the county court against the award and the following provisions shall have effect:—

(i) Subject as hereafter in this paragraph provided the county court may rescind the award or modify it in such manner and make such order as to costs as it thinks fit;

(ii) If the appellant against the award on appearing before the county court is unwilling that the matter should be decided by that

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

court and satisfies that court that he will if the matter is decided against him be liable to pay a sum (exclusive of costs) exceeding one hundred pounds and gives security approved by the county court to prosecute his appeal in the High Court and to abide the event thereof all proceedings in the county court shall be stayed and the appellant may bring an action in the High Court against the other party to the difference;

PART VI.
—cont.

(o) Where an appellant against an award brings an action in the High Court in pursuance of the last preceding paragraph the following provisions shall have effect :—

(i) If the parties agree as to the facts a special case may be stated for the opinion of the court and may be dealt with in accordance with or as nearly as circumstances admit in accordance with the rules of the court;

(ii) In any other case the plaintiff in the action shall deliver to the defendant an issue whereby the matters in difference may be tried;

(iii) The issue shall be in such form as may be agreed between the parties or in case of dispute or of non-appearance of the defendant as may be settled by the court;

(iv) The action shall proceed and the issue be tried in accordance with or as nearly as circumstances admit in accordance with the rules of the court;

(v) Any costs incurred by the parties in the county court shall be deemed to be costs incurred in the action in the High Court and be payable accordingly.

Expenses.

56.—(1) The following provisions shall apply with respect to the apportionment of expenses as between the building owner and the adjoining owner :—

Expenses in respect of party structures.

(a) Expenses incurred in the exercise of the rights conferred by paragraph (a) of subsection (1) of

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI.
—cont.

section 46 (Rights of owners of adjoining lands where junction line built on) of this Act shall be defrayed by the building owner and the adjoining owner in due proportion regard being had to the use which the two owners respectively make or may make of the party structure or party fence wall;

- (b) Expenses incurred in the exercise of the rights conferred by paragraph (b) of subsection (1) of the said section together with the expenses of building any additional party structure that may be required by reason of the exercise of those rights shall be defrayed by the building owner and the adjoining owner in due proportion regard being had to the use which the two owners respectively make or may make of the party wall or party structure and the thickness of such party wall or party structure required for support of the respective buildings of the two owners;
- (c) Expenses incurred in the exercise of the rights conferred by paragraph (c) of subsection (1) of the said section shall be defrayed by the building owner and the adjoining owner in due proportion regard being had to the use which the two owners respectively make or may make of the rooms or storeys rebuilt;
- (d) Expenses incurred in the exercise of the rights conferred by paragraph (d) of subsection (1) of the said section shall be defrayed by the building owner and the adjoining owner in due proportion regard being had to the use which the two owners respectively make or may make of the buildings arches or structures rebuilt;
- (e) Expenses incurred in the exercise of the rights conferred by—
 - (i) paragraphs (e) (g) (h) (i) and (k) of subsection (1) of the said section;
 - (ii) paragraph (f) of subsection (1) of the said section in so far as the expenses are not expenses incurred in the exercise of any rights conferred by other paragraphs of the said

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

subsection and also a fair allowance in respect of the disturbance and inconvenience caused where the expenses have been incurred in the exercise of the rights conferred by the said paragraph (f);

PART VI.
—cont.

shall be defrayed by the building owner.

(2) Expenses incurred in the exercise of the rights conferred by paragraph (j) of subsection (1) of the said section shall be defrayed in the same manner as the expenses of the work to which they are incidental.

(3) Any expenses reasonably incurred by the building owner in executing any works in pursuance of a counter notice served on him by an adjoining owner under section 48 (Counter notices) of this Act shall be defrayed by the adjoining owner.

(4) If at any time during the execution or after the completion of works carried out in the exercise of the rights conferred by paragraphs (e) (f) (j) or (k) of subsection (1) of section 46 (Rights of owners of adjoining lands where junction line built on) of this Act any use of those works or any part thereof is made by the adjoining owner additional to the use thereof made by him at the time when the works began a due proportion of the expenses incurred by the building owner in the exercise of the rights conferred by any of the said paragraphs regard being had to the additional use of the works made by the adjoining owner shall be defrayed by the adjoining owner.

(5) Where in pursuance of section 45 (Rights of owners of adjoining lands where junction line not built on) or the said section 46 of this Act consent in writing has been given to the construction of special foundations on land of an adjoining owner then if the adjoining owner erects any building or structure and its cost is found to be increased by reason of the existence of the said foundations the owner of the building to which the said foundations belong shall on receiving an account with any necessary vouchers within two months after the completion of the work by the adjoining owner repay to the adjoining owner so much of the cost as is due to the existence of the said foundations.

(6) Where under this section expenses are to be defrayed in due proportion regard being had to the

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART VI. use made by an owner of a party structure party fence
—*cont.* wall external wall or other work regard shall unless
otherwise agreed between the building owner and the
adjoining owner or provided in the award also be had to
the cost of labour and materials prevailing at the time
when that use is made.

Security for expenses. **57.**—(1) An adjoining owner may by notice in writing require the building owner before he begins any work in the exercise of the rights conferred by this Part of this Act to give such security as may be agreed between the owners or in the event of dispute determined by a 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.

(2) Where in the exercise of the rights conferred by this Part of this Act an adjoining owner requires a building owner to carry out any work the expenses of which are to be defrayed in whole or in part by the adjoining owner or where the adjoining owner serves a notice on the building owner under subsection (1) of this section the building owner may before beginning the work to which the requirement or notice relates serve a notice in writing on the adjoining owner requiring him to give such security as may be agreed between the owners or in the event of dispute determined by a judge of the county court for the payment of such expenses costs and compensation in respect of the work as may be payable by him.

(3) If within one month after receiving a notice under subsection (2) of this section or in the event of dispute after the date of the determination by the judge of the county court the adjoining owner does not comply therewith the requirement or notice by him to which the building owner's notice under that subsection relates shall cease to have effect.

Account of expenses. **58.**—(1) Within two months after the completion of any work executed by a building owner of which the expenses are to be wholly or partially defrayed by an adjoining owner in accordance with section 56 (Expenses in respect of party structures) of this Act

the building owner shall deliver to the adjoining owner an account in writing showing— PART VI.
—cont.

- (a) particulars and expenses of the work; and
- (b) any deductions to which the adjoining owner or any other person is entitled in respect of old materials or otherwise;

and in preparing the account the work shall be estimated and valued at fair average rates and prices according to the nature of the work the locality and the cost of labour and materials prevailing at the time when the work is executed.

(2) Within one month after delivery of the said account the adjoining owner may give notice in writing to the building owner stating any objection he may have thereto and thereupon a difference shall be deemed to have arisen between the parties.

(3) If within the said month the adjoining owner does not give notice under subsection (2) of this section he shall be deemed to have no objection to the account.

59.—(1) All expenses to be defrayed by an adjoining owner in accordance with an account delivered under section 58 (Account of expenses) of this Act shall be paid by the adjoining owner and in default may be recovered as a debt. Recovery of expenses.

(2) Until an adjoining owner pays to the building owner such expenses as aforesaid the property in any works executed under this Part of this Act to which the expenses relate shall be vested solely in the building owner.

PART VII.

DANGEROUS AND NEGLECTED STRUCTURES.

60. In this Part of this Act unless the context otherwise requires— Interpreta-
tion of
Part VII.

- (a) the expression “structure” includes any building or wall or other structure and anything affixed to or projecting from any building or wall or other structure;
- (b) the expression “district surveyor” includes any surveyor who under section 61 (Information

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART VII.
—cont.

as to and survey of dangerous structures) of this Act shall have been required by the Council to make a survey; and

- (c) as respects dangerous structures where any structure is situate within the city references to the Council shall be deemed to be to the common council.

Dangerous structures.

Informa-
tion as to
and survey
of danger-
ous
structures.

61.—(1) The district surveyor shall make known to the Council any information which he may receive to the effect that any structure is in a dangerous state.

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

(3) The Council may pay to any surveyor (not being a district surveyor) required under subsection (2) of this section to make a survey of a structure such remuneration as they think fit in respect of his services in making that survey.

(4) Where it is observed by or made known to the district surveyor or the superintending architect that a structure or any part thereof is in such a state as to require treatment for the removal of any immediate danger the district surveyor or the superintending architect or any officer authorised by the Council as the case may be may on behalf of the Council and without prejudice to the exercise of any other powers of this Act take such steps as may be necessary to remove the immediate danger and any steps so taken and any expenses thereby incurred shall for the purposes of this Part of this Act be deemed to have been taken and incurred by the Council :

Provided that as respects any such structure or part thereof situate within the city the common council may appoint some competent person to exercise the powers conferred by this subsection in substitution for the district surveyor or the superintending architect.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

62.—(1) The district surveyor upon completing any survey of a structure required to be made under subsection (2) of section 61 (Information as to and survey of dangerous structures) of this Act shall certify to the Council his opinion of the state of the structure.

PART VII.
—cont.
Certifica-
tion of
dangerous
structures.

(2) If the certificate is to the effect that the structure is not in a dangerous state no further proceedings shall be taken with respect thereto but if it is to the effect that the structure is in a dangerous state the Council may shore up or otherwise secure the structure and may erect a proper hoard or fence for the protection of passengers and shall cause notice in writing to be served on the owner or occupier of the structure requiring him forthwith to take down repair or otherwise secure it as the case requires.

63.—(1) If the owner of a structure disputes the necessity of any of the requisitions comprised in a notice served under section 62 (Certification of dangerous structures) of this Act he may serve on the Council within seven days after its receipt a written requirement that the dispute shall be referred to arbitration in which case he shall at the same time give notice to the Council of the name of an independent surveyor appointed by him to report jointly with the district surveyor on the condition of the structure.

Arbitration.

(2) Where under this section such written requirement is served the following provisions shall have effect:—

(a) the independent surveyor and the district surveyor shall—

(i) before entering on discussion of the dispute appoint a third surveyor (in this section referred to as “the arbitrator”):

Provided that in the event of disagreement between the two surveyors as to the appointment of the arbitrator a court of summary jurisdiction may on the application of either of them make the appointment; and

(ii) report jointly as aforesaid within seven days after the service of the said written requirement;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART VII.
—cont.

- (b) any question in relation to the dispute which cannot be agreed between the two surveyors shall be referred to the arbitrator who shall make his award on the question within fourteen days after the reference to him ;
- (c) the notice served by the Council shall be discharged amended or confirmed in accordance with the decision of the two surveyors or the award of the arbitrator as the case may be ;
- (d) the costs of and incident to the decision of the two surveyors or (unless the arbitrator otherwise directs) the award of the arbitrator on the question in dispute shall be borne and paid if the determination is adverse to the contention of the district surveyor by the Council and if the determination is adverse to the contention of the owner or the independent surveyor by the owner.

Proceedings
to enforce
compliance
with notice.

64.—(1) If the owner or occupier on whom notice is served under section 62 (Certification of dangerous structures) of this Act fails to comply with the notice or the notice as amended or confirmed in accordance with the decision of the two surveyors or the award of the arbitrator as the case may be as speedily as the nature of the case permits a court of summary jurisdiction on complaint by the Council may order the owner within a time to be fixed by the order 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.

(2) If the requirements of the order are not complied with within the time so fixed the Council may forthwith cause all or so much of the structure as is in a dangerous state to be taken down repaired or otherwise secured in such manner as may be requisite and if the structure or any part thereof is taken down may remove the materials.

Court may
make order
notwith-
standing
arbitration.

65. Notwithstanding the provisions of section 63 (Arbitration) of this Act a court of summary jurisdiction on complaint by the Council may if of opinion that the structure is in such a dangerous state as to require immediate treatment make any order which the court thinks fit for remedying the dangerous state of the

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

structure or taking down repairing or otherwise securing it and the Council may take the like steps for carrying any such order into effect as they may take under section 64 (Proceedings to enforce compliance with notice) of this Act.

PART VII.
—cont.

66. All expenses incurred by the Council in respect of any dangerous structure shall be paid by the owner of the structure but without prejudice to his right to recover the amount of the said expenses from any person liable to pay the expenses of the repair of the structure.

Expenses.

67.—(1) Where a structure has been certified by a district surveyor to be in a state dangerous to its inmates a court of summary jurisdiction may if satisfied of the correctness of the certificate upon the application of the Council by order direct that any inmates of the structure be removed therefrom by a constable or other police officer and if they have no other abode he may require them to be received into any workhouse in London maintained by the Council in virtue of the Poor Law Act 1930 and selected for the purpose by the Council.

Power to remove inmates from dangerous structure.

20 & 21
Geo. 5. c. 17.

(2) Where the court has so ordered it shall not be lawful for the structure to be occupied unless the dangerous state thereof has been remedied to the satisfaction of the Council or a court of summary jurisdiction has revoked the order.

68. No hoarding or shoring or other support erected upon a public street in connection with a dangerous structure for the purpose of the protection of passengers or the securing of such dangerous structure shall after the structure has been dealt with under the provisions in that behalf of this Act be retained or continued without a licence in writing for that purpose from the local authority which licence shall state the period for which the hoarding shoring or support shall be permitted to continue.

Shorings &c. upon public streets.

Neglected structures.

69.—(1) Where a structure is ruinous or so far dilapidated as 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

Removal of dilapidated and neglected structures.

Ch. xcvi. *London Building Acts* 2 & 3 Geo. 6.
(Amendment) Act, 1939.

PART VII.
—*cont.*

of the neighbourhood a court of summary jurisdiction on complaint by the Council may order the owner to take down or repair or rebuild the structure (in this Act referred to as a "neglected structure") or any part thereof or to fence in the land upon which it or any part thereof is situate or otherwise to put the structure 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 payment by the owner of the costs and expenses incurred by the Council up to the time of the hearing.

(2) (a) If the order is not obeyed the Council may thereupon enter upon the neglected structure or the land aforesaid and execute the order and may recover from the owner of the structure all costs and expenses incurred by them under this section :

Provided that nothing in this subsection shall prejudice the right of the owner to recover the amount of any costs and expenses paid by him from any person liable to pay the expenses of the repair of the structure.

(b) Where the order directs the taking down of a neglected structure or any part thereof and in pursuance of paragraph (a) of this subsection the Council execute the same they may remove the materials of the structure or part thereof so taken down by them.

Supplemental provisions as to dangerous and neglected structures.

Repayment
of expenses
incurred by
Council.

70.—(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 those expenses it shall notwithstanding anything to the contrary in any Act be lawful for a court of summary jurisdiction on complaint by the Council within twelve months after the date of the demand for the payment of the said expenses to make an order fixing the amount of the said expenses and the costs of the proceedings before the said court and directing that no part of the land upon which the dangerous or neglected structure was or is situate shall be built upon or that no part of the dangerous or neglected structure if repaired or rebuilt shall be let for occupation until after payment

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

to the Council of the said amount and thereupon no part of the said land shall be built upon and no part of the dangerous or neglected structure so repaired or rebuilt shall be let for occupation until payment to the Council of the said amount. PART VII.
—cont.

(2) (a) Section 15 of the Land Charges Act 1925 shall apply to orders made under subsection (1) of this section and for the removal of doubts it is hereby declared that the said section 15 applies and shall be deemed to have applied heretofore to orders made under section 115 (Removal of dilapidated and neglected buildings) of the London Building Act 1894 or under section 141 (Provision for enforcing repayment of expenses incurred by Council) of the Act of 1930 and any such order is accordingly registrable under the said Act of 1925 as a local land charge. 15 & 16
Geo. 5. c. 22.
57 & 58 Vict.
c. cxxxiii.

(b) For the purpose of enforcing any such charge arising out of an order made after the commencement of this Act the Council shall have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver. 15 & 16
Geo. 5. c. 20.

PART VIII.

SKY SIGNS.

71.—(1) It shall be unlawful to erect a sky sign or to permit or suffer a sky sign to be erected or to retain a sky sign. Prohibition
of sky signs.

(2) Any proceedings in respect of an offence against this Act by reason of a contravention of the provisions of this section or for the demolition or removal of a sky sign shall be taken by the local authority.

72. If a sky sign is erected or retained the court before whom proceedings are taken may notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order directing the person who has erected or retained the sky sign or who has permitted or suffered a sky sign to be erected to demolish or remove it within a period fixed by the order. Removal of
sky signs.

PART IX.

SUPERINTENDING ARCHITECT DISTRICT SURVEYORS AND
FEES.

Superintending architect.

Appoint-
ment of
superin-
tending
architect
and
assistants.

73.—(1) The Council may for the purpose of aiding in the execution of the London Building Acts and any byelaws made in pursuance of those Acts appoint some fit person to be called “the superintending architect of metropolitan buildings” together with such number of assistants as they think fit.

(2) The superintending architect and assistants shall be removeable by the Council.

(3) The superintending architect and assistants shall perform such duties as the Council direct and the Council shall pay to the superintending architect and assistants such salaries as the Council think fit.

(4) The superintending architect shall not on his private account practise the profession of an architect or follow any other occupation.

Deputy to
superin-
tending
architect.

74. The superintending architect with the consent of the Council may appoint some other person as his deputy to perform the duties of his office for such time as he may be temporarily prevented by illness infirmity or any other sufficient cause from himself performing them and if the superintending architect shall have made no such appointment or the person appointed by him is so prevented from performing the duties the Council may appoint some other person to act as the deputy to the superintending architect as aforesaid.

District surveyors.

Appoint-
ment &c. of
district
surveyors.

75.—(1) For the purpose of aiding in the execution of the London Building Acts and any byelaws made in pursuance of those Acts the Council may appoint such number of duly qualified persons to the office of district surveyor as they think fit.

(2) The Council may allocate among the several district surveyors as they may from time to time think fit the work to be carried out by district surveyors under the said Acts and byelaws.

(3) The Council may give general directions to district surveyors in relation to matters of general administrative policy and for the purpose of securing uniformity in the administration of the said Acts and byelaws and the district surveyors shall observe any such general directions. PART IX.
—cont.

(4) The Council may pay such salary to and attach such terms and conditions to the holding of office by a district surveyor as they think fit.

(5) Any person appointed to the office of district surveyor—

- (i) shall be by virtue of that appointment an officer of the Council;
- (ii) shall hold the office during the pleasure of the Council;
- (iii) shall in addition to discharging the functions of a district surveyor under the said Acts and byelaws perform such other duties as may be assigned to him by the Council.

76. No person shall be qualified to hold the office of district surveyor unless he— Qualifica-
tions of
district
surveyor.

(a) possesses a certificate either—

(i) of proficiency to perform the duties of the said office granted by the board constituted under section 77 (Examination of candidates for office of district surveyor) of this Act; or

(ii) of competency to perform the duties of the said office granted before the commencement of this Act by the Royal Institute of British Architects; or

(b) has been examined by the Council and found by them competent to perform the duties of the said office; or

(c) has filled the office of district surveyor.

77.—(1) An examination of persons desirous of obtaining a certificate of proficiency to perform the duties of district surveyor may be conducted by a board constituted in accordance with the provisions of this section (in this section referred to as "the board"). Examina-
tion of
candidates
for office of
district
surveyor.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART IX.
—cont.

(2) The board shall consist of such number of persons as the Council may from time to time determine and shall include representatives of the Council and persons nominated for the purpose by the Royal Institute of British Architects and by such other professional institutions or appropriate bodies as the Council may from time to time think fit.

(3) The members of the board shall be appointed by the Council and every member of the board shall hold office for a period of three years :

Provided that a member may at any time resign his office.

(4) A member ceasing to hold office shall be eligible for re-appointment.

(5) The functions of the board may be exercised notwithstanding any vacancy in their number.

(6) The board shall elect from its own members a chairman and may appoint committees.

(7) The quorum and proceedings of the board and of any committee appointed by them shall be such as the board may determine.

(8) In the case of equality of votes on any question the chairman of the board or of any committee appointed by them shall have a second or a casting vote.

(9) (a) The board shall conduct in London as and when required by the Council examinations in proficiency to perform the duties of district surveyor.

(b) Reasonable notice of the intention of the board to conduct an examination shall be publicly given by the Council in such manner as they think fit.

(c) The board may make regulations as to candidature for and the conduct of examinations of the board and may thereby prescribe reasonable fees to be paid by candidates but such regulations shall not come into force until approved by the Council.

(d) Every examination paper set for an examination of the board shall be approved by the board or by a committee appointed by them consisting of not less than seven members of the board and a copy of every such examination paper shall be forwarded to the Council within seven days after the holding of the examination.

2 & 3 GEO. 6. *London Buildings Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

(10) The board shall grant a certificate of proficiency to perform the duties of a district surveyor to every person who in an examination of the board attains such standard as may be prescribed by the board but shall not grant such certificate to any other person.

PART IX.
—cont.

(11) The board may obtain such professional advice and assistance for the purposes of discharging their functions as may be approved by the Council.

(12) The Council shall provide for the board offices and other accommodation and clerical and other assistance.

(13) All fees and money paid to the board shall be paid by them to the Council and the expenses reasonably incurred by the board shall be defrayed by the Council.

78.—(1) An existing district surveyor shall be deemed to have been appointed to the office of district surveyor under this Act and except as may have been or be otherwise agreed in writing between the Council and an existing district surveyor the provisions of section 75 (Appointment &c. of district surveyors) of this Act shall as from the commencement of this Act apply to an existing district surveyor in the same manner and to the same extent as to any person appointed after the commencement of this Act to the office of district surveyor :

Existing
district
surveyors.

Provided that the powers of subsection (2) of the said section 75 shall not be exercised by the Council with respect to an existing district surveyor except so far as may be arranged between the Council and such district surveyor but this restriction shall not prevent the Council from directing any district surveyor to perform any duties which any other district surveyor is in the opinion of the Council unable to discharge promptly and efficiently by reason of pressure of business or for any other reason (including absence from duty on holiday or sick leave) nor shall this restriction prevent the Council from doing in pursuance of the said subsection (2) of section 75 anything which they would have been entitled to do under paragraph (a) of subsection (1) of section 155 (Powers of Council as to district surveyors and districts) of the Act of 1930 if that paragraph had continued in force.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART IX.
—*cont.*

54 & 55 Vict.
c. ccvi.

(2) As respects any existing district surveyor who has before the commencement of this Act attained the age of fifty-five years and who is not entitled or permitted to contribute to the superannuation and provident fund established in pursuance of the provisions of Part IV (Superannuation &c.) of the London Council (General Powers) Act 1891 the Council shall on his ceasing to hold that office either by retirement therefrom or on account of his death pay to him or his personal representatives as the case may be a gratuity in a lump sum equal to one-eighth of the amount of the annual salary he was receiving at the date of retirement or death.

Compensa-
tion to
existing
district
surveyors.

79.—(1) If an existing district surveyor—

(a) is retired or removed from the service of the Council before attaining the age of sixty-five years—

(i) in consequence of the exercise of the power of the Council to allocate among the several district surveyors the work to be carried out by district surveyors under the London Building Acts and any byelaws made in pursuance of those Acts (including any alteration of the limits of the district of any existing district surveyor or the uniting of any two or more such districts);
or

(ii) in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation by which greater efficiency and economy can be effected; or

(b) relinquishes his office and becomes entitled in pursuance of and subject to the terms of any agreement between the Council and the existing district surveyor but not otherwise to claim compensation;

the Council shall pay him such special allowance or allowances (in the form of an annual allowance for life or for a stated period or of a lump sum or partly of such an allowance and partly of a lump sum) by way of compensation as on a full consideration of the circumstances of the case may be agreed between him and the

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

Council to be reasonable and just compensation for the loss of his office or failing such an agreement as may be determined by the Minister.

PART IX.
—cont.

(2) Any agreement entered into between the Council and an existing district surveyor may with the consent of the Minister provide for the determination by the Minister of any question referred to him in pursuance of such agreement.

80.—(1) (a) The Council may appoint some person to act as deputy to a district surveyor and to perform his duties for such time as he may be temporarily prevented by illness infirmity or any other sufficient cause from himself performing them.

Appoint-
ment of
deputy or
temporary
district
surveyors.

(b) The Council shall except in a case of urgency or where it is impracticable so to do consult the district surveyor concerned before appointing any person to act as his deputy.

(2) The Council may where they consider such a course necessary appoint for a limited period some person to act as a district surveyor.

(3) Any person appointed under this section shall carry out such work as may be allocated to him by the Council and as respects such work shall have all the powers of a district surveyor but any person so appointed shall not be deemed to have by virtue of that appointment filled the office of district surveyor for the purposes of paragraph (c) of section 76 (Qualifications of district surveyor) of this Act.

(4) The Council may pay such remuneration to any person appointed under this section as they think fit.

81.—(1) The Council may provide for the use of district surveyors such office accommodation and also such technical and other assistance as the Council think fit and may incur expenses in or in connection with the administration of so much of the London Building Acts and byelaws made in pursuance of those Acts as is placed under the supervision of the district surveyor.

Office
accommo-
dation and
assistance
for district
surveyors
&c.

(2) The Council shall forthwith communicate to the local authority concerned any change in the address of the office of a district surveyor.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART IX.
—cont.
Duties of
district
surveyors.

82.—(1) Subject to the provisions of the London Building Acts and of any byelaws made in pursuance of those Acts every building or structure and every work to in or upon a 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 the height of buildings and all works in pursuance of Part V (Means of escape in case of fire) of this Act shall be subject to the supervision of the district surveyor.

(2) Every district surveyor shall upon the receipt of a building notice as defined by section 83 (Service of building notices) of this Act or upon its being observed by or made known to him that any building structure or work is affected by any provision of the London Building Acts or of any byelaws made in pursuance of those Acts in respect of which building structure or work no notice has been given and also from time to time during the progress of any work which is affected by any such provision as often as may be necessary for securing the due observance of the provision survey any building structure or work placed under his supervision and shall cause every such provision to be duly observed.

(3) Every district surveyor upon observing or receiving information of any actual or probable contravention of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts with which it is not within his competence to deal shall forthwith give notice to the Council of the same.

Building notices notices of objection and notices of irregularity.

Service of
building
notices.

83. Save as otherwise expressly provided in the London Building Acts a builder shall—

- (a) when a building or structure or work is about to be begun then two clear days before it is begun; and
- (b) when a building or structure or work is after having been begun suspended for any period exceeding three months then two clear days before it is resumed; and

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

- (c) when during the progress of a building or structure or work the builder employed thereon has been changed then two clear days before the new builder begins work thereon;

PART IX.
—cont.

serve on the district surveyor a notice (in this Act referred to as a "building notice") respecting the building or structure or work which notice shall comply with the provisions of section 84 (Contents of building notices information as to cost &c.) of this Act and all works in progress at the same time to in or upon the same building or structure may be included in one building notice:

Provided that any act or work which by reason of emergency requires to be begun or done immediately or before the building notice relating thereto can be given may be begun or done but the building notice shall be served on the district surveyor not more than twenty-four hours after the act or work has been begun.

84.—(1) Every building notice shall state the situation area height number of storeys and proposed 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 in addition to the name and address of the builder shall state those of the owner then in possession of and the occupier of the building or structure or of its site or proposed site.

Contents of
building
notices in-
formation as
to cost &c.

(2) Every building notice shall state in addition to the matters mentioned in subsection (1) of this section the cubical extent of the building or structure and a building notice which relates to any addition alteration or other work to which the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts apply proposed to be made or done to in or upon a building or structure shall state the cubical extent of the building or structure as proposed to be altered:

Provided that the district surveyor may subject to such conditions (if any) as he thinks fit in any case waive the requirements of this subsection.

(3) The builder shall within fourteen days after the completion of any such addition alteration or other work as aforesaid give to the district surveyor a statement in writing of the cost thereof and shall within fourteen days after the receipt of a written request from the

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART IX.
—*cont.*

district surveyor give to him such information and evidence as he may reasonably require with reference to such cost but any statement information or evidence given to the district surveyor in pursuance of this subsection shall not be used for any purpose other than a purpose of this Act.

(4) If any proceedings are taken for the recovery of any fees in respect of any building structure addition alteration or other work and the court before which the proceedings are taken is of opinion that no such statement of cubical extent as aforesaid has been given or that any information or evidence as to cost which should have been given or furnished under subsection (3) of this section has not been given or furnished or that any such statement information or evidence is in any respect erroneous the court may determine the cubical extent of the building or structure and the cost of the addition alteration or other work or either of those matters and the appropriate fee payable to the Council in respect thereof under the London Building Acts or under any byelaws made in pursuance of those Acts and that determination shall be final and the court may make an order for the payment of the fee so determined without any further proceedings for the purpose.

(5) Nothing in subsections (2) to (4) of this section shall apply to any building or structure or work to which section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act applies.

Building
notice to be
prima facie
evidence.

85. Any building notice plans elevations sections calculations statement of cost information evidence or other particulars furnished in pursuance of section 83 (Service of building notices) or section 84 (Contents of building notices information as to cost &c.) of this Act or any byelaws made in pursuance of the London Building Acts shall be prima facie evidence as against the builder or in his default the owner or occupier of the nature and cost of the building or structure or work to which they refer.

Appeal
against
decision of
district
surveyor.

86.—(1) Save as otherwise expressly provided in the London Building Acts where in those Acts or in any byelaws made in pursuance of those Acts it is provided that any matter or thing shall be or any work shall be carried out to the satisfaction or subject to the approval

of or shall be certified by the district surveyor the builder or owner concerned if dissatisfied with any decision or requirement of a district surveyor made under the said Acts or byelaws (other than in the case of any provision that any work shall be carried out to the satisfaction of the district surveyor in a proper and workmanlike manner) may apply to the Council to determine the question.

PART IX.
—cont.

(2) The Council may reverse affirm or amend the decision or requirement of the district surveyor in respect of which application is made to them in pursuance of subsection (1) of this section and may determine the matter as the circumstances of the case require and subject to the provisions of subsection (3) of this section the determination of the Council shall be substituted for the decision or requirement of the district surveyor and such determination shall be enforced in the same manner as if it were a decision or requirement of the district surveyor.

(3) The builder or owner if aggrieved by the determination of the Council under this section may appeal to the tribunal of appeal except in any case in which in the opinion of the Council the matter thing or work is likely to affect the stability or the protection in case of fire of the building or structure.

(4) The Council may make regulations with respect to the procedure to be followed in connection with applications under subsection (1) of this section.

(5) The provisions of this section shall not apply to any decision or requirement of a district surveyor under section 64 (Proceedings to enforce compliance with notice) of this Act.

87.—(1) Where it appears from a building notice that it is proposed to erect a building or structure or to do any work to in or upon a building or structure which will contravene the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts or that anything required by those Acts or any such byelaws is proposed to be omitted the district surveyor shall serve upon the builder or owner or other person causing or directing the work a notice in writing (in this Act referred to as a "notice of objection") objecting

Service of
notice of
objection.

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.
(Amendment) Act, 1939.*

PART IX. to the proposed erection or work and the builder or the
—*cont.* owner or other person causing or directing the work if
dissatisfied with the decision of the district surveyor may
within fourteen days after the date of service of the
notice of objection appeal to a court of summary juris-
diction who may make an order either affirming the
objection or otherwise.

(2) The provisions of this section shall not apply
with regard to any work proposed to be done in execution
or purported execution of any requirement in Part V
(Means of escape in case of fire) of this Act.

Service of
notice of
irregularity.

88. Where—

- (a) in erecting a building or structure or in doing
any work to in or upon a building or structure
anything is done in contravention of the pro-
visions of the London Building Acts or of any
byelaws made in pursuance of those Acts or
anything required by those Acts or any such
byelaws is omitted to be done; or
- (b) the district surveyor on surveying or inspecting
a building or structure or work in respect of
which notice has not been served as required
by the said Acts or byelaws finds that it is
so far advanced that he cannot ascertain
whether anything has been done in contra-
vention of the provisions of the said Acts or
byelaws or whether anything required by the
said Acts or byelaws has been omitted to
be done;

the district surveyor shall serve on the builder engaged
in erecting the building or structure or in doing the
work a notice (in this Act referred to as a "notice of
irregularity") requiring him within forty-eight hours
after the date of the notice to amend anything done in
contravention of the provisions of the said Acts or bye-
laws or to do anything required to be done by the said
Acts or byelaws which has been omitted to be done or
to cut into lay open or demolish so much of the building
structure or work as prevents the district surveyor from
ascertaining whether anything has been done or omitted
to be done as aforesaid.

89.—(1) In order to provide for the service of a notice of irregularity after and notwithstanding that a building or structure has ceased to be in the charge of or under the control of a builder the following provisions shall have effect:—

PART IX.
—cont.
Notice of
irregularity
after com-
pletion of
building
work &c.

(a) If notice in writing has been served upon the district surveyor by the builder or by the owner of the building or structure stating the date at which the building or structure has ceased to be in the charge of or under the control of the builder then at any time within fourteen days after the service of that 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 person causing or directing or who has caused or directed the building or structure to be erected or work to be done instead of or in addition to the builder;

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

(2) Where any building or structure has been erected or work has been done but such notice of the intention to erect the building or structure or do the work has not been given to the district surveyor as is required by the London Building Acts or any byelaws made in pursuance of those Acts the district surveyor may at any time within twenty-one days after he has discovered that the building or structure has been erected or work has been done serve a notice of irregularity on the owner or occupier of the building or structure or other person who has caused or directed the building or structure to be erected or work to be done.

(3) If such owner occupier or other person does not allow the builder to comply with a notice of irregularity served on the builder and the builder serves notice on the district surveyor to that effect a notice of irregularity

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART IX. may at any time within fourteen days thereafter be
—*cont.* served on such owner occupier or other person instead of
or in addition to the builder.

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

(5) Nothing in this section shall prejudicially affect any remedy of an owner occupier or other person against a builder.

Non-compliance with notice of irregularity.

90. If the person on whom a notice of irregularity is served does not comply with that notice within the period named therein a court of summary jurisdiction may on complaint by the district surveyor notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order requiring that person to comply within a period to be named in the order with the notice or with any requisitions therein which may in the opinion of the court be authorised by the London Building Acts or any byelaws made in pursuance of those Acts.

Fees.

Fees to Council in respect of dangerous or neglected structures.

91.—(1) The fees specified in Part I of the First Schedule to this Act shall be payable in accordance with the provisions thereof to the Council in respect of a dangerous or neglected structure.

(2) In respect of any special service under Part VII (Dangerous and neglected structures) of this Act required to be performed by the district surveyor for which a fee is not specified in the First Schedule to this Act such fee as may be reasonable in the circumstances shall be payable to the Council.

(3) If in consequence of default by the owner of a dangerous structure in complying with an order of a court of summary jurisdiction made under section 64 (Proceedings to enforce compliance with notice) or section 65 (Court may make order notwithstanding arbitration) of this Act the Council themselves cause all or part of the structure to be taken down repaired or otherwise secured the fees calculated in accordance with

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

the provisions of Part II of the said First Schedule shall be payable to the Council and such fees shall be in addition to any expenses payable to the Council. PART IX.
—cont.

(4) All fees payable under this section in connection with any dangerous or neglected structure shall be deemed to be costs or expenses incurred by the Council in respect of that structure and shall be recoverable from the owner thereof by the Council accordingly.

(5) Any fees payable to the common council under this section shall be paid to the chamberlain of the city and be carried by him to the credit of the general rate.

(6) The amount of all fees payable under this section to the common council in respect of the services of district surveyors appointed by the Council in relation to dangerous structures situate within the city shall be paid to the Council by the common council.

(7) In this section the expression " district surveyor " has the meaning assigned to it by Part VII (Dangerous and neglected structures) of this Act and paragraph (c) of section 60 (Interpretation of Part VII) of this Act shall apply to this section.

92. The following provisions shall have effect with respect to fees payable by builders or by owners or occupiers to the Council :—

Fees payable by builders or by owners or occupiers to Council.

- (a) The builder or in his default the owner or occupier as the case may be of a building structure or work mentioned in Part I of the Second Schedule to this Act shall pay to the Council in respect of the building structure or work fees in accordance with the said Part I or such other fees not exceeding the amount specified in the said Part I as the Council may from time to time determine;
- (b) Where any building wherein the loads and stresses are transmitted through each storey to the foundations wholly or principally by a skeleton framework of steel or reinforced concrete or both is erected or converted or any addition or alteration or any other work is made or done to in or upon any such building the builder or in his default the owner or

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.
(Amendment) Act, 1939.*

PART IX
—cont.

occupier as the case may be of the building shall pay to the Council fees in accordance with Part II of the Second Schedule to this Act;

- (c) The builder employed in erecting any building or in doing any work or thing in respect of which any service has been performed by the district surveyor in relation to Part V (Means of escape in case of fire) of this Act or in default of the builder the owner or occupier as the case may be of the building or of any building in respect whereof the work or thing has been done shall pay to the Council fees in accordance with Part III of the Second Schedule to this Act and such fees shall be in addition to any other fees payable to the Council.

Calculation
of amount
of fees.

93.—(1) In calculating any fee payable to the Council the amount whereof is to be calculated in accordance with the Second Schedule to this Act regard shall be had to the rules set out in Part IV of that schedule.

(2) For the purpose of such calculation the following expressions have the meanings hereby respectively assigned to them :—

“ cost ” in relation to any addition alteration or other work means the cost of and incidental to the addition alteration or other work exclusive of any fees payable to an architect or a quantity surveyor in respect thereof or of the cost of such decorations fittings and other matters as are not subject to the supervision of the district surveyor ;

“ cubical extent ” in relation to a building or structure or proposed building or structure means the space contained or proposed to be contained within the external surfaces of its walls and roof and the plane of the foundations of the building or structure :

Provided that—

(a) where the building or structure or part thereof is or is proposed to be wholly or partly enclosed vertically by party or

division walls the external surface of each such wall shall be deemed to correspond with a plane bisecting the thickness thereof;

PART IX.
—cont.

(b) where the building or structure is or is proposed to be on one or more of its sides not enclosed by a wall or walls the building or structure where unenclosed shall be deemed to be enclosed by walls with the external surfaces thereof in a vertical plane extending downwards from the outer edge of the roof; and

(c) where the building or structure is or is proposed to be erected without a roof the building or structure shall be deemed to be covered by a roof with an external surface in a plane with the tops of the walls or other enclosures of such building or structure;

“plane of the foundations” in relation to a building or structure means—

(i) where the foundations are wholly of the trench type or wholly in the form of a raft or partly of the trench type and partly in the form of a raft the level of the bottom of the trenches or of the under-surface of the raft or (where the foundations are not of a uniform depth) the mean level (having regard to both area and depth) of the bottoms of the trenches and of the under-surface of the raft;

(ii) where the whole of the building or structure is erected upon piers or piles the level of one-half of the average vertical length of the piers or piles;

(iii) where a part or parts only of the building or structure is or are erected upon piers or piles the level or (where the foundations are not of a uniform depth) the mean level (having regard to both area and depth) of the part or parts so erected ascertained according to the foregoing paragraph (ii) and of the remainder of the building or structure ascertained according to the foregoing paragraph (i):

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART IX.
—cont.

Provided that where an addition alteration or other work is proposed to in or upon a building or structure and the depth of the foundations of the building or structure cannot be readily ascertained the expression “plane of the foundations” means a level two feet below the upper surface of the lowest floor of the building or structure if the building or structure is less than four storeys in height and five feet below the said upper surface if the building or structure is four or more storeys in height and where the surface of the lowest floor is not of a uniform level the mean level thereof (having regard to both area and depth) shall be deemed to be the upper surface thereof.

(3) The amount of any fee payable to the Council under this Act or any byelaws made in pursuance of the London Building Acts shall be the amount thereof payable at the time at which the fee becomes due.

Accrual of
fees.

94.—(1) At the expiration of—

- (a) fourteen days after the roof of any building surveyed by a district surveyor under this Act has been covered in or in the case of a building or structure proposed to be erected without a roof fourteen days after the tops of the walls or other enclosures have been completed; and
- (b) fourteen days after the completion of any work by this Act placed under the supervision of a district surveyor; and
- (c) fourteen days after any special service in respect of any building structure or land has been performed by a district surveyor;

the Council shall be entitled to receive the fees due to them from the builder employed in erecting the building or structure or in doing the work or in doing anything in respect of which any special service has been performed by the district surveyor or from the owner or occupier of the building or structure so erected or in respect of which the work has been done or service performed or of the land in upon or in respect of which the work has been done or service performed :

Provided that—

PART IX.

—cont.

- (i) where calculations as respects any building referred to in heading (b) of Part I of the Second Schedule to this Act are submitted under the provisions of any byelaws made in pursuance of the London Building Acts a fee equal to one-fourth of the fee specified in that paragraph;
- (ii) the fee specified in paragraph (i) of heading (a) of Part II of the Second Schedule to this Act in relation to any building referred to in that paragraph;

shall be payable to the Council at the time when the building notice in respect of that building is served on the district surveyor and in any case where the fee referred to in paragraph (i) of this proviso is so paid the remaining three-fourths of the fee specified in the said heading (b) shall be payable in accordance with the provisions of this section.

(2) If any such builder owner or occupier neglects to pay any fee payable by him the fee may be recovered on proof to the satisfaction of the court that a proper account specifying the amount of the fee was delivered to him or sent to him.

95. The Council may remit or abate the amount of any fee payable to them under this Act or any byelaws made in pursuance of the London Building Acts as they think fit.

Remission
or abate-
ment of
fees.

96.—(1) Proceedings for the recovery of fees payable to the Council in virtue of the London Building Acts or any byelaws made in pursuance of those Acts may be taken by the district surveyor.

Recovery of
fees under
London
Building
Acts.

(2) The district surveyor may recover and retain any fee to which he became entitled before the commencement of this Act under the provisions of the Act of 1930 or of any byelaws made in pursuance of that Act or the Act of 1935 in the same manner as if this Act had not been passed.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART X.

BYELAWS.

Additional
matters
to be dealt
with by
byelaws.

97.—(1) In addition to the matters with respect to which the Council may make byelaws in pursuance of the Act of 1935 the Council may make byelaws in pursuance of that Act—

(a) with respect to lifts hoists and escalators in or in connection with buildings not being lifts hoists or escalators which are or can be regulated by or under any provision of the Factories Act 1937 or the Road and Rail Traffic Act 1933 or are required by any enactment to be constructed in accordance with plans approved by the Minister of Transport and the enclosures thereof and in particular but without prejudice to the generality of the foregoing power the byelaws may provide in regard to lifts hoists and escalators or such classes thereof as shall be specified in or not exempted from the byelaws—

23 & 24
Geo. 5. c. 53.

(i) for lifts hoists and escalators and all appliances forming part of or connected therewith to be properly installed and maintained under the supervision of the district surveyor or the Council as may be prescribed in the byelaws and to be subject to such examination by the district surveyor or the Council or such other person and at such periods as may be so prescribed and for the display of the certificate of such examination;

(ii) for the maximum working load of a lift hoist or escalator or the maximum number of persons to be conveyed therein or thereon at any one time to be displayed;

(iii) for such of the byelaws as may be specified therein to be applicable to lifts hoists and escalators installed before the commencement of this Act;

(iv) that a lift hoist or escalator to which the byelaws apply shall not be used for

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

PART X.
—cont.

- carrying passengers or goods unless it is enclosed equipped and maintained in accordance with the byelaws;
- (b) with respect to the installation of gas meters in buildings erected altered or converted after the date on which such byelaws come into operation and in particular but without prejudice to the generality of the foregoing power the byelaws may provide for—
- (i) the regulation or control of the position in the building in which gas meters may be installed;
 - (ii) the protection of the meter from the effects of fire in the building; and
 - (iii) the ventilation of enclosed spaces containing gas meters;
- (c) with respect to the provision on or adjacent to window-frames in buildings erected before or after the commencement of this Act of eyelets or other similar apparatus designed to facilitate the use of safety belts by persons working outside windows;
- (d) with respect to steps constructed after the coming into operation of the byelaws and forming an approach to a building;
- (e) with respect to the space between railings or balusters or the size of apertures in any fence separating the curtilage of a building from a street and such byelaws may apply to fences in connection with buildings erected after the date of the coming into operation of the byelaws and to fences erected or reconstructed after that date in connection with buildings erected before that date;
- (f) with respect to the prohibition or regulation of—
- (i) spikes or similar projections forming part of or in connection with any fence;
 - (ii) broken glass or any similar substance on any fence;
- separating from a street the curtilage of a building erected after the date of the coming into operation of the byelaws;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART X.
—*cont.*

- (g) with respect to the prohibition or regulation of the attachment of barbed wire to the blinds of windows; and
- (h) with respect to the prohibition or regulation for the purpose of securing the safety of persons in a building used for retail trade or in the case of a building partly used for that purpose in the part so used of the holding therein of all or any of the following attractions (that is to say):—

sales bazaars exhibitions special displays or entertainments in respect of which a licence is not required from the Lord Chamberlain or the Council the holding of which attractions is likely to lead to the presence in the building or the part of a building as the case may be of a substantially larger number of persons than is usual during business hours when no such attractions are being held ;

and in particular but without prejudice to the generality of the foregoing power the byelaws may provide in regard to all or any of the said attractions for—

(i) the deposit of plans and particulars in connection with the arrangements for the holding of the attraction ;

(ii) the number of persons who may be permitted to be at any one time within the building or the part of a building or any portion of such building or part ;

(iii) the elimination from the building or the part of a building or any portion of such building or part of articles composed wholly or partly of celluloid xylonite or similar substances or other highly inflammable goods (including liquids) ;

(iv) the precautions to be taken against the occurrence or the spread of fire including the provision of adequate fire appliances ; and

(v) the number of attendants to be employed and the duties to be performed by them during any such attraction ;

2 & 3 GEO. 6. *London Building Acts* **Ch. xcvii.**
(*Amendment*) Act, 1939.

the byelaws may differ as respects different buildings or parts of buildings and as respects different attractions and the powers conferred by this paragraph shall be in addition to any other powers contained in the London Building Acts or other byelaws made in pursuance of those Acts;

PART X.
—*cont.*

and the aforesaid matters shall be deemed to be matters referred to in subsection (1) of section 4 (Power to Council to make byelaws) of the Act of 1935.

(2) For the purposes of this section the word "fence" includes a wall.

(3) Byelaws made in pursuance of paragraphs (e) (f) and (g) of subsection (1) of this section shall be administered by the local authority.

(4) Byelaws made in pursuance of paragraphs (b) and (c) of subsection (1) of this section shall not apply to any building belonging to the Port of London Authority which is exempt from the operation of Part III (Construction of buildings) and Part IV (Special and temporary buildings and structures) of this Act and byelaws made in pursuance of paragraph (e) of that subsection shall not apply to any such building unless the street mentioned in that paragraph is a highway.

(5) Byelaws made in pursuance of paragraph (b) of subsection (1) of this section shall not apply to any gas meter installed or proposed to be installed within the curtilage of a gasworks and used or intended to be used by a gas company for the purposes of or in connection with any process of the manufacture of gas or residual products.

98.—(1) The powers of the Council to make byelaws in pursuance of section 4 (Power to Council to make byelaws) of the Act of 1935 with respect to the construction and conversion of buildings and structures and any part thereof and the materials to be used in such construction or conversion and other matters shall without prejudice to the generality of those powers extend to enable byelaws to be made thereunder with respect to—

Byelaws with respect to construction and conversion of buildings &c.

(i) the specification of tests for ascertaining the periods of time throughout which a constructional part of a building or structure or of a part

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART X.
—cont.

of a building or structure will be capable of resisting the action of fire to such extent as may be prescribed in the byelaws;

(ii) (a) the periods of time throughout which a constructional part of a building or structure or of a part of a building or structure is to be capable of resisting to such extent as may be prescribed by the byelaws the action of fire under specified tests; and

(b) the subdivision of a building into divisions or cells to retard the spread of fire regard being had to the position arrangement and user of such building structure or any part thereof;

(iii) the classification of a building or structure or part of a building or structure in relation to the resistance to the action of fire of the constructional parts thereof and the certification by the district surveyor of each building structure or part of a building or structure so classified and the registration by the Council of such certificate;

(iv) the limitation of the use of buildings or structures or parts thereof by reference to the aforesaid classification;

(v) the provision in a building or structure or part of a building or structure to which the byelaws apply of appliances and means for extinguishing and retarding the spread of fire and the maintenance of such appliances and means;

(vi) the uniting of buildings or structures or parts of buildings or structures to which the byelaws apply.

(2) Any such byelaws may replace the whole or part of the provisions of section 20 (Precautions against fire in certain buildings and cubical extent of buildings) section 21 (Uniting of buildings) and section 22 (Division walls to be subject to provisions relating to party walls) of this Act and any such byelaws shall specify to what extent the enactment or part thereof is so replaced and as from the coming into operation of any such byelaws such enactment or part thereof so specified is hereby repealed.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

99.—(1) Byelaws made in pursuance of section 4 (Power to Council to make byelaws) of the Act of 1935 in relation to the matters referred to in subsection (1) of that section may regulate the amounts of the fees to be paid to the Council in respect of the services of the district surveyors under any byelaws made in pursuance of the London Building Acts and any such byelaws regulating the amount of such fees may replace any of the provisions of section 92 (Fees payable by builders or by owners or occupiers to Council) or section 93 (Calculation of amount of fees) or section 94 (Accrual of fees) of this Act or of the Second Schedule to this Act and shall specify the said provisions so replaced and as from the coming into operation of any such byelaw the said provisions so specified are hereby repealed.

PART X.
—cont.
Byelaws to replace enactments as to fees.

(2) Paragraph (f) of subsection (2) of the said section of the Act of 1935 shall cease to have effect.

100. In any case in which an offence (being an offence for the continuance of which a fine was provided) has been committed under any enactment repealed by this Part of this Act proceedings in respect of the continuance of the offence after such repeal may be taken under the byelaw which replaces the enactment in the same manner as if the offence had been committed under that byelaw.

Proceedings for continuing offences.

PART XI.

LEGAL PROCEEDINGS.

101.—(1) Save as otherwise expressly provided all offences against the London Building Acts or any byelaws made in pursuance of those Acts and all fines costs charges fees and expenses imposed or recoverable thereunder or in pursuance thereof may be prosecuted or recovered in a summary manner :

Recovery of expenses and fines.

Provided that costs charges fees and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

(2) Where proceedings are taken in pursuance of this section for the recovery of expenses incurred by the Council the production of a document under the hand of the comptroller of the Council or other officer purporting

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XI. to be authorised in that behalf by the Council certifying
—*cont.* that the expenses were incurred shall until the contrary
is proved be deemed to be sufficient evidence that the
expenses have been in fact incurred.

Proceedings **102.—(1)** Any proceedings taken by a district
by district surveyor may be continued by his duly appointed deputy
surveyor. or successor.

(2) In any case where proceedings under the London Building Acts or any byelaws made in pursuance of those Acts have been or may be undertaken by a district surveyor the Council may continue or undertake any such proceedings.

(3) Any expenses necessarily incurred by a district surveyor in or in connection with proceedings under the London Building Acts or any byelaws made in pursuance of those Acts shall be defrayed by the Council and any costs recovered by him in connection with any such proceedings shall be paid by him to the Council.

Powers of **103.—(1)** Where jurisdiction is by this Act given
and appeal to a county court that court may settle the time and
from county manner of the execution of any work or of the doing of any
court. other thing and may impose upon the parties to the
case such terms as respects the execution of the work as
the court thinks fit.

(2) 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 1934 from
24 & 25 any decision of such court in any matter.
Geo. 5. c. 53.

Council may **104.—(1)** Where—
demolish (a) a court of summary jurisdiction has made
buildings. under the London Building Acts or any
byelaws made in pursuance of those Acts
an order on a person to demolish or remove
a building or structure or part of a building
or structure or to remedy any matter or thing
and the order is not complied with within
the time fixed by the order; or
(b) a person has been convicted of an offence
against the London Building Acts or any
byelaws made in pursuance of those Acts
by constructing erecting adapting extending

raising altering uniting separating or retaining a building or structure or any part of a building or structure in contravention of any provision of those Acts or byelaws and the Council have given fourteen days' notice to that person to bring the building or structure or part of the building or structure as the case may be into conformity with the said provision and such notice is not complied with;

the Council may notwithstanding the imposition and recovery of any fine make complaint thereof before a court of summary jurisdiction.

(2) The court may thereupon issue a summons requiring the person in default to appear to answer the complaint and if the complaint is proved to the satisfaction of the court the court may make an order authorising the Council and thereupon it shall be lawful for the Council—

(a) to enter the building or structure or the curtilage thereof and to demolish or alter the building or structure or any part thereof so far as the building or structure or part has been adjudged to be in contravention of the provisions of the London Building Acts or any byelaws made in pursuance of those Acts and to do whatever other acts may be necessary for that purpose; and

(b) to remove the materials.

(3) The foregoing provisions of this section shall not apply as respects any order made by a court under subsection (1) of section 64 (Proceedings to enforce compliance with notice) and section 65 (Court may make order notwithstanding arbitration) of this Act.

(4) Subject to the provisions of subsection (3) of section 106 (Removal and disposal of materials) of this Act all expenses incurred by the Council in the execution of this section or the balance of any such expenses after deducting any proceeds of the sale of materials may be recovered from the person committing the offence.

(5) If the order of the court or the conviction of any person in respect of any such offence as aforesaid has been obtained by the local authority the local authority

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XI. may exercise any of the powers of the Council under
—*cont.* this section and in such case this section shall apply
as if the local authority were referred to therein instead
of the Council.

(6) For the purposes of this section anything projecting from or attached to a building or structure shall be deemed a part thereof and a sky sign shall be deemed a part of the building or structure on over or above which it is placed.

Payment of
surplus of
proceeds
into court.

105. Where by any provision of this Act any surplus of the proceeds of the sale of any building or structure or materials is made payable to any person and no demand is made by him within one year after the receipt of the proceeds by the Council then the surplus shall be paid into the Bank of England (Law Courts Branch) to the account of the Accountant-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 Acts 1930 to 1939 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 person entitled on his proving his title thereto.

Removal
and dis-
posal of
materials.

106.—(1) Where the Council or the common council or a local authority are authorised by this Act or by a court in virtue of this Act to remove materials they may remove the materials to some convenient place and sell or otherwise dispose of the same in such manner as they think fit.

(2) All expenses incurred by the Council or the common council or the local authority as the case may be in the execution of this section or the balance of any such expenses after deducting the proceeds of any sale of materials may be recovered from the person against whom proceedings have been taken under section 104 (Council may demolish buildings) of this Act or in the case of dangerous or neglected structures as part of the expenses incurred by the Council in dealing with those structures.

(3) If the proceeds of any sale of materials are more than sufficient to defray any expenses recoverable by them as provided by subsection (2) of this section the Council or the common council or local authority as the

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

case may be after deducting therefrom the amount of any such expenses shall on demand pay the surplus of the proceeds to the person to whom the materials belonged.

PART XI
—cont.

107.—(1) Subject to the provisions of this Act any person who as respects any premises has—

Apportion-
ment of
expenses
&c.

(a) paid any expenses or fees which by or in pursuance of any provision of the London Building Acts or of any byelaws made in pursuance of those Acts are required to be borne or paid by or may be recovered from him; or

(b) paid or incurred the expenses of executing any work which he is required to execute under or in pursuance of any provision of Part V (Means of escape in case of fire) of this Act or under any byelaws made in pursuance of the London Building Acts relating to means of escape in case of fire;

may apply to the county court of the district in which the premises are situate and the court may thereupon issue a summons requiring the several persons entitled to any estate or interest in the premises to appear before the court and the court may make such order concerning those expenses or fees or their apportionment among the several persons entitled to any estate or interest in the premises as appears to the court to be just and equitable in the circumstances of the case regard being had to the terms of any lease or contract affecting the premises.

(2) (a) Nothing in this section shall prevent the making of an agreement by all the persons or a majority of the several persons entitled to any estate or interest in the premises for referring to arbitration under the Arbitration Acts 1889 to 1934 any matter which under this section may be determined by an order of the county court.

(b) If any such matter is so referred by a majority of the several persons entitled to any estate or interest in the premises the arbitrator shall before making any award in the matter direct that such notices whether by way of advertisement or otherwise shall be given to such other of the persons entitled to any estate or

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XI. interest in the premises as are not parties to the agree-
—cont. ment referred to in paragraph (a) of this subsection as the
arbitrator thinks fit and any such other person to whom
a notice is so given shall be deemed to be a party to
the reference.

(c) Any award made in pursuance of this subsection
shall be binding on all persons who are or are deemed
to be parties to the reference.

Removal of
roof not to
affect pro-
ceedings.

108. Proceedings with respect to a building or
structure shall not be affected by the removal or falling
in of any roof or covering thereof.

Tribunal of appeal.

Constitution
&c. of
tribunal of
appeal.

109.—(1) For the purposes of the London Building
Acts a tribunal of appeal shall be constituted in accord-
ance with the following provisions :—

(a) A panel of fit persons (not being members
or officers of the Council) shall be formed and
such panel shall consist of six persons one person
being nominated by each of the following :—

The Secretary of State ;

The Royal Institute of British Architects ;

The Chartered Surveyors' Institution ;

The Institution of Civil Engineers ;

The Institution of Structural Engineers ; and

The London Master Builders' Association ;

(b) The person to be nominated by the Secretary of
State shall be a barrister or a solicitor ;

(c) The persons to be nominated as aforesaid shall
be nominated to the panel for a period of three
years ;

(d) The persons on the panel shall appoint one
of their number who shall in respect of each
appeal to be heard and determined by the
tribunal of appeal select from the panel three
persons (one of whom shall be the person
nominated by the Secretary of State) to hear
and determine the appeal and the three persons
so selected shall for the purposes of that appeal
constitute the tribunal of appeal :

Provided that if any party to the appeal makes a requirement that any one or more of the remaining persons on the panel shall also act as a member or members of the tribunal for the purposes of that appeal and deposits with the tribunal such sum as may be fixed by the person so appointed as sufficient to cover any additional expense of the tribunal consequent on such requirement such person or persons shall so act and the constitution of the tribunal for the purpose of that appeal shall be varied accordingly;

- (e) For all purposes other than the hearing and determination of appeals the whole number of the persons on the panel shall constitute the tribunal of appeal;
- (f) The person nominated by the Secretary of State shall preside at all meetings of the tribunal of appeal and at the hearing of any appeal by the tribunal of appeal;
- (g) Any matter considered by the tribunal of appeal shall be decided by a majority of the votes of the members of the tribunal considering the matter and if there is an equality of votes the president of the tribunal shall have a second or a casting vote;
- (h) The Secretary of State and the bodies mentioned in paragraph (a) of this subsection shall at the same time as they nominate persons in pursuance of that paragraph and thereafter whenever necessary nominate some other fit and proper person to act as deputy upon the resignation or death or during the temporary absence through illness or other unavoidable cause of any person so nominated and the provisions of this section shall apply to those deputies when so acting as if they were persons on the panel referred to in paragraph (a) of this subsection;
- (i) The Lord Chancellor may if he thinks fit remove for inability or misbehaviour or other good and sufficient cause any person nominated to the panel or the deputy for such person;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XI.
—cont.

(j) Any person nominated to the panel and the deputy for such person shall be eligible for re-nomination.

(2) Each person acting as a member of the tribunal of appeal shall be entitled to such remuneration by way of annual salary or of fees or of both as the Secretary of State may from time to time fix.

Appoint-
ment of
officers
&c. of
tribunal of
appeal.

110.—(1) The tribunal of appeal may appoint to such positions in their service as may be approved by the Secretary of State such clerks officers and servants as they find necessary who shall be paid such salaries as may be determined by the Council.

(2) Any person appointed as aforesaid shall cease to hold his office or employment on attaining the age of sixty-five years or on becoming (in the opinion of the tribunal of appeal) before that age permanently incapable of discharging the duties of his office or employment with efficiency by reason of infirmity of mind or body :

Provided that—

(a) if the tribunal of appeal decide that the vacation of his office or employment on the ground of his attaining the age of sixty-five years would prejudicially affect the discharge of the functions of the tribunal of appeal such person may continue in his office or employment for a further period not exceeding one year after he has attained the age of sixty-five years and so on for such further periods not exceeding in each case one year as the tribunal of appeal may decide; and

(b) the tribunal of appeal may by notice in writing given either before or after he has attained the age of sixty years and has completed an aggregate period of service of forty years with the tribunal of appeal require such person to vacate his office at any time (not being less than three months after the giving to him of such notice) after he has attained the said age of sixty years and has completed the said period of service of forty years and he shall comply with any such requirement.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

(3) The Council may on such terms and conditions as they deem expedient confer upon any person appointed as aforesaid superannuation and other benefits similar to those conferred by any scheme made in pursuance of Part IV (Superannuation &c.) of the London Council (General Powers) Act 1891.

PART XI.
—cont.

(4) For the purpose of giving effect to subsection (3) of this section the Council may make such annual or other payments to or out of the superannuation and provident fund established in pursuance of the said Part IV as they may think fit and may make a new scheme or amend any scheme so made or any existing scheme made under the said Part and that Part shall subject to the provisions of this section apply in all respects to such new or amended scheme.

(5) The person who held the office of clerk of the tribunal of appeal constituted in accordance with the provisions of the Act of 1930 shall be the clerk of the tribunal of appeal constituted under this Act and shall continue to hold his office subject to the same conditions as to tenure as before the commencement of this Act and nothing in subsection (1) of this section requiring the approval of the Secretary of State to an appointment by the tribunal of appeal shall prejudice or affect the appointment of such person but subject as aforesaid the provisions of this section shall apply to him as if he had been appointed after that date.

(6) Any clerks officers or servants of the Council may by agreement between the Council and the tribunal of appeal be employed temporarily as officers or servants of the tribunal of appeal and when a person is so employed he shall for purposes of superannuation or any other rights attaching to his employment by the Council be deemed still to be employed by them:

Provided that this subsection shall not apply to employment as the clerk or as deputy to the clerk to the tribunal of appeal.

111.—(1) The tribunal of appeal shall sit at the County Hall unless accommodation is not available thereat and shall unless there is no appeal to be determined by them sit to hear and determine appeals not less frequently than once in each month.

Sittings and
offices of
tribunal
of appeal.

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

PART XI.
—cont.

(2) Such office accommodation as may be necessary for the purposes of the tribunal of appeal shall be provided by the Council :

Provided that nothing in this subsection shall prejudice the continuance of any arrangements for office accommodation entered into by the tribunal of appeal constituted under the Act of 1930 before the passing of this Act or with the consent of the Council between the passing of this Act and the commencement thereof until the termination of such arrangements.

Professional advice &c. for tribunal of appeal.

112. The tribunal of appeal may obtain such professional advice and assistance as they may find necessary.

Register and publication of decisions of tribunal of appeal.

113.—(1) The tribunal of appeal shall keep a register of their decisions on appeals under the London Building Acts or any byelaws made in pursuance of those Acts and the register shall be kept at the County Hall and shall at all reasonable hours be open to public inspection without payment.

(2) The Council may if they deem it expedient so to do publish in any manner they think fit any of the decisions of the tribunal of appeal on appeals under the London Building Acts or any byelaws made in pursuance of those Acts.

Power for Council to support decisions before tribunal of appeal.

114. The Council may defray the expenses of supporting before the tribunal of appeal by counsel solicitor or agent and witnesses any decision of the Council or of the superintending architect or of their engineer or of a district surveyor.

Jurisdiction of tribunal of appeal.

115.—(1) 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 the London Building Acts or any byelaws made in pursuance of those Acts.

(2) For all purposes of and incidental to the hearing and determination of an appeal the tribunal shall subject to any regulations as to procedure duly made have power to hear the Council and the parties interested either in person or by counsel solicitor or agent as they think fit and to administer oaths and to hear and receive evidence and to require the production of any documents

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

or books and to confirm or reverse or vary any decision and make any such order as they think fit and the costs of any of the parties to the appeal including the Council shall be in the discretion of the tribunal.

PART XI.
—cont.

(3) (a) If any party to an appeal makes a requirement for an additional member or additional members of the panel to act on the tribunal of appeal in pursuance of the proviso to paragraph (d) of subsection (1) of section 109 (Constitution &c. of tribunal of appeal) of this Act and such additional member or members so acts or act and the tribunal makes at the conclusion of the hearing of the appeal an order that the requirement was unreasonable in the circumstances of the case so much of the sum deposited in accordance with that proviso as represents the additional expense of the tribunal consequent on such requirement shall be retained by the tribunal and the balance (if any) of the sum so deposited shall be returnable on demand to the party who deposited the sum.

(b) If no such order is made by the tribunal the sum deposited as aforesaid shall be returned on demand to the party who deposited the sum.

116.—(1) The tribunal of appeal may at any stage of the proceedings at the hearing of an appeal to them under the London Building Acts or any byelaws made in pursuance of those Acts state a case for the opinion of the High Court on any question of law involved in any appeal submitted to them.

Tribunal
may state
case for
opinion of
High Court.

(2) Any party to an appeal to the tribunal of appeal who desires to question a decision or determination by the tribunal on the ground that it is erroneous in point of law or is in excess of jurisdiction may apply to the tribunal to state a special case setting forth the facts of the appeal and the grounds on which the decision or determination is questioned and if the tribunal decline to state the case may apply to the High Court for an order requiring the case to be stated.

(3) Any such application to the tribunal shall be made in writing and shall be left with or sent by registered post to the clerk of the tribunal within seven clear days after the date of the decision or determination to be questioned and a copy shall be sent by the party so applying to every other party to the appeal.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XI.
—cont.

(4) Upon such an application the case shall be stated by the tribunal within three months after the date of the application.

(5) A case shall be deemed to be stated in accordance with this section if it is signed by every member of the tribunal who constituted the tribunal for the purposes of hearing the appeal or in the event of the death or retirement or incapacity by reason of illness or other unavoidable cause of any of such members if it is signed by the remaining members.

15 & 16
Geo. 5. c. 49.

(6) The case shall be set down heard and determined in the manner prescribed by rules of the court made or having effect as if made in pursuance of the Supreme Court of Judicature (Consolidation) Act 1925 as if it were a case stated in pursuance of the Summary Jurisdiction Acts.

Regulations
as to pro-
cedure and
fees.

117. The tribunal of appeal may 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.

Enforce-
ment of
decision of
tribunal.

118. 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 and
expenses of
tribunal.

119. All fees and sums of money paid to or retained by the tribunal of appeal shall be paid by them to the Council 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 by the Council.

Existing
tribunal to
remain in
office tem-
porarily.

120. The tribunal of appeal constituted under the Act of 1930 shall remain in office and shall be the tribunal of appeal until the tribunal of appeal is constituted in accordance with this Act and thereupon the first-mentioned tribunal of appeal shall be dissolved.

Notices &c.

Notices &c.
to be in
writing.

121. Notices orders and other such documents under the London Building Acts or any byelaws made in pursuance of those Acts shall be in writing.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(Amendment) Act, 1939.

122.—(1) Subject to the provisions of subsection (2) of this section any notice order or other such document which the Council or a local authority are authorised or required by or under the London Building Acts or any byelaws made in pursuance of those Acts to give make or issue may be signed on behalf of the Council or the local authority by the clerk of the Council or the town clerk or by any other officer of the Council or of the local authority authorised by them in writing to sign documents of the particular kind or the particular document as the case may be.

PART XI.
—cont.
Authenti-
cation of
documents.

(2) Except as otherwise expressly provided in the London Building Acts any document being a consent sanction approval disapproval or refusal by the Council for the purposes of the London Building Acts or any byelaws made in pursuance of those Acts or any modification or waiver by the Council of the provisions of those Acts or byelaws shall be signed by the superintending architect.

(3) Any notice order or other such document purporting to bear the signature of the clerk of the Council or of a town clerk or of the superintending architect or of any officer stated therein to be duly authorised by the Council or the local authority to sign such a document or the particular document as the case may be shall be deemed until the contrary is proved to have been duly given made or issued by the authority of the Council or the local authority as the case may be and any such notice order or document may be proved by the production of a copy thereof.

(4) In this section the word “signature” includes a facsimile of a signature by whatever process reproduced.

123. Any notice order or other document authorised or required by or under the London Building Acts or any byelaws made in pursuance of those Acts to be given delivered or served to or upon the Council the local authority the superintending architect or the district surveyor shall be addressed to the Council the local authority superintending architect or the district surveyor as the case may be and left at or sent by post in a prepaid letter to the office of the Council local authority superintending architect or district surveyor as the case may be.

Service of
notices &c.
on Council
and others.

**Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.**

PART XI.
—*cont.*
Service of
notices &c
by Council
and others

124.—(1) Subject to the provisions of this section and of section 125 (Service of documents relating to dangerous or neglected structures) of this Act any notice or other document (in this section referred to as a “document”) authorised or required by or under the London Building Acts or any byelaws made in pursuance of those Acts to be served by or on behalf of the Council or a local authority or by the superintending architect or the district surveyor or any other person on any person shall be deemed to be duly served—

- (a) where the person to be served is a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—
 - (i) sent by post in a prepaid letter; or
 - (ii) delivered at the registered office or at the principal office or place of business of the company;
- (b) where the person to be served is a partnership if the document is addressed to the partnership at their principal place of business identifying them by the name or style under which their business is carried on and is either—
 - (i) sent by post in a prepaid letter; or
 - (ii) delivered at the said place of business;
- (c) where the person to be served is a public body or a corporation society or other body if the document is addressed to the clerk secretary treasurer or other head officer of that body corporation or society at its principal office or (if there is no office) at the premises to which the document relates and is either—
 - (i) sent by post in a prepaid letter; or
 - (ii) delivered at that office or the premises as the case may be;
- (d) where the person to be served is a builder if the document is addressed to the 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 of the document is affixed on some conspicuous part of the premises to which it relates;

(e) in any other case if the document is sent by post in a prepaid letter addressed to the person to be served or delivered to that person at his usual or last known residence or place of business in the United Kingdom.

(2) Any document which is authorised or required to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier" as the case may be of those premises (naming them) without further name or description and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with paragraph (e) of subsection (1) of this section; or

(b) if the document so addressed or a copy thereof so addressed is delivered to some person on the premises or where no person is found on the premises to whom it can be delivered is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with this section the document shall be deemed to be served on each partner.

(4) For the purpose of proving the service by post of any document it shall be sufficient to prove that it was properly addressed and was put into the post.

(5) For the purposes of this section a document shall be deemed to be a document which is authorised or required to be served on a person if it is authorised or required to be notified given or transmitted or (in the case of a demand) if it is authorised or required to be made to that person and in this section the expressions "served" and "service" shall be construed accordingly.

125. Section 124 (Service of notices &c. by Council and others) of this Act shall apply to any notice summons order or other such document to be served upon the owner or occupier of a dangerous or neglected structure subject to the following provisions:—

Service of documents relating to dangerous or neglected structures.

(a) where the owner of a dangerous or neglected structure and his usual or last known residence are known to the Council the Council shall send a copy of every such notice summons or order by post addressed to that owner at such residence;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XI.
—cont.

- (b) in cases where a dangerous structure is situate within the city this section shall be read as if the common council were named therein instead of the Council;
- (c) in this section the expression "structure" has the meaning assigned to it in Part VII (Dangerous and neglected structures) of this Act.

Information as to ownership of premises.

126. The Council a local authority or the district surveyor may for the purpose of enabling them or him to perform any functions under the London Building Acts or any byelaws made in pursuance of those Acts require the occupier of any premises and any person who either directly or indirectly receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein whether as freeholder mortgagee lessee or otherwise.

PART XII.

MISCELLANEOUS.

Storage of timber &c.

127.—(1) (a) Subject to the provisions of this section no person shall form a pile stack or store whether on or above the ground of cut or uncut timber or other inflammable material without the consent of the Council as respects premises within the county of London or of the common council as respects premises within the city:

Provided that no consent under this subsection shall be required—

- (i) as respects a pile stack or store of cut or uncut timber where each of the following conditions is and continues to be complied with (that is to say):—

(A) the pile stack or store do not exceed in content thirty-six thousand cubic feet; and

(B) the dimensions of the pile stack or store do not exceed thirty feet in height measured from the level of the ground on which the pile stack or store stands and do not exceed forty feet in length or in depth; and

(c) an unobstructed space not less than three feet in width be left on each side of the pile stack or store; and

(d) where timber forming the pile stack or store is placed sideways on to and either parallel to or at an angle in a horizontal plane not exceeding forty-five degrees with the line of the nearer boundary of the roadway of the street or part of the street in which the pile stack or store is situate no part of the pile stack or store be less than ten feet from such nearer boundary or nearer to such roadway than the general line of buildings in such street or part of a street if the said general line of buildings is at a greater distance than ten feet from such roadway;

(ii) as respects a pile stack or store of other inflammable material if the pile stack or store do not exceed two thousand cubic feet in content or ten feet in height measured from the level of the ground on which the pile stack or store stands.

(b) Except as provided by subsection (7) of this section the provisions of this subsection shall not apply to a site on which at the commencement of this Act a pile stack or store of cut or uncut timber lawfully stood.

(2) (a) No pile stack or store of cut or uncut timber or other inflammable material shall after the commencement of this Act be formed (whether on or above the ground and whether or not the provisions of subsection (1) of this section apply thereto) so as to be nearer to the roadway of a street than the general line of buildings in the street or part of a street in which the pile stack or store is or will be situate.

(b) As respects any pile stack or store of cut or uncut timber or other inflammable material (whether on or above the ground) formed before the commencement of this Act it shall not be lawful to retain such pile stack or store if it is nearer to the roadway of a street than the general line of buildings in the street or in the part thereof nearest to the pile stack or store except in a position wherein such a pile stack or store lawfully stood at the commencement of this Act.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII.
—cont.

(3) No cut or uncut timber or other inflammable material shall be piled stacked or stored in the same yard or ground or in any part of the same premises in which any furnace is situate except—

(i) where the furnace is enclosed in a building or chamber possessing such a degree of resistance to the action of fire as the Council may determine; or

(ii) where there is a distance of not less than ten feet between the furnace and the pile stack or store and no inflammable material is placed between the furnace and the pile stack or store.

(4) No such pile stack or store shall exceed sixty feet in height from the level of the ground.

(5) There shall not in any such pile stack or store be any room or chamber or space (other than a passage) to be used for any purpose.

(6) The Council or the common council as the case may be may waive or modify any of the provisions of subsections (2) (3) (4) or (5) of this section as respects any timber yard which existed on the twenty-fifth day of August eighteen hundred and ninety-four.

(7) Where a site on which there is at the commencement of this Act a pile stack or store of cut or uncut timber or other inflammable material ceases for a period of twelve consecutive months to be used for the purposes of such a pile stack or store this section shall apply thereto as if it had not previously been so used.

(8) The provisions of this section shall not apply to a pile stack or store in a building erected in accordance with the provisions of the London Building Acts and any byelaws made in pursuance of those Acts or which is by virtue of sections 149 to 152 inclusive of this Act exempt from the operation of the provisions of the said Acts or byelaws.

(9) In and for the purposes of this section the expression “inflammable material” means firewood wooden boxes crates casks and barrels builders’ materials waste-paper rags motor-tyres cycle-tyres and other material of a similar character.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

(10) The provisions of this section shall not apply to any railway or canal company or to the Port of London Authority in respect of their Surrey Canal undertaking so far as regards timber or other inflammable material in transit or piled stacked or stored on land occupied by them for the purposes of their undertakings respectively nor to timber or other inflammable material piled stacked or stored in any yard or other premises occupied by the Port of London Authority for the purposes of their dock undertaking or 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 or other inflammable material therein.

PART XII.
—cont.

128.—(1) When under or in pursuance of the provisions of the London Building Acts any land adjoining a highway is either left open for the use of the public or unenclosed such land shall as from a date to be determined by the Council and notified to the local authority form for all purposes part of the highway.

Land left open to form part of highway.

(2) No owner of land or premises abutting on any land which in pursuance of this section forms part of the highway shall by reason of the existence of such part of the highway be exempt from any liability for expenses of paving or repair under the Metropolis Management Acts 1855 to 1893 in respect of the remainder of the highway.

129.—(1) No person not being lawfully authorised so to do 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 or way and no person not being lawfully authorised so to do shall alter or interfere with any street or way in such a manner as to impede or hinder the traffic for which the street or way was formed or laid out from passing over the street or way.

Preventing obstruction in streets or ways.

(2) The local authority at the expiration of two days after giving notice in writing to any person contravening the provisions of this section requiring him to demolish or remove the post rail fence bar obstruction or encroachment or to reinstate or restore the street or way to its former condition (as the case may be) may demolish or remove the post rail fence bar obstruction or encroachment and reinstate or restore the street

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) *Act*, 1939.

PART XII. or way to its former condition and recover the expenses
—*cont.* of so doing from such person.

Bridges
over
highways
connecting
buildings.

130.—(1) Notwithstanding any provision of this or any other Act it shall not be lawful without the consent of the Council to construct over any highway a bridge affording communication between buildings.

(2) Before granting any consent under this section the Council shall consult with the local authority.

(3) Without prejudice to the generality of the provisions of section 144 (Power to annex conditions to consents &c.) of this Act it shall be a condition of every consent under this section that the owner of the premises or if the consent is granted to the occupier the occupier shall at the request of the Council and at his own expense remove or alter such bridge in such manner as the Council require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to the street at any time and the decision of the Council that such removal or alteration is necessary or desirable shall be final and conclusive and this condition may be enforced by the Council against the owner and occupier for the time being of the premises.

Projections
from
buildings in
relation to
general line
of buildings.

131.—(1) Notwithstanding anything contained in Part III (Lines of building frontage) of the Act of 1930 any of the following projections from a building may extend beyond the general line of buildings in any street part of a street place or row of houses but (except so far as is permitted by this section) not so as to be upon or over the roadway of any street or upon or over any ground which in virtue of any statutory or other obligation has been or is to be left open to the public (in this section referred to as "ground left open") :—

(a) water pipes and their appurtenances copings window sills string courses cornices facias window dressings and other like architectural decorations :

Provided that cornices may project over the roadway of the street or ground left open but not so as to exceed the least of the following dimensions :—

(i) one-tenth of the distance of the lowest portion of the projection of the cornice from

the level of the footway of the street immediately in front of the centre of the face of the building or where there is no footway from the level of the ground before excavation; or

(ii) one-twentieth of the width of the roadway of any street over or towards which the cornice projects; or

(iii) five feet;

- (b) pilasters porticos porches balconies verandahs balustrades and outside landings extending not more than three feet beyond the external wall from which they project:

Provided that no part of any portico or porch projecting from the external wall of a building shall be more than three feet above the ground storey;

- (c) outside steps leading to any entrance to a building if the steps are not more than four feet in height measured from the level of the footway of the street in front of the centre of the face of the building or of the ground immediately in front of the lowest step (whichever be the higher) to the top of the parapet wall of such steps or where there is no such parapet wall to the top of the steps and if the steps are constructed in accordance with the provisions of the London Building Acts and of any byelaws made in pursuance of those Acts;

- (d) shop fronts (including any cornice and any pier or corbel in connection with the shop front):

Provided that—

(i) if the shop front is situate in a street of a width of not more than thirty feet the shop front (including any pier in connection therewith) shall not project more than five inches and the cornice and corbel thereof shall not project more than thirteen inches from the building;

(ii) if the shop front is situate in a street of a width of more than thirty feet the shop front (including any pier in connection

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII.
—*cont.*

therewith) shall not project more than ten inches and the cornice and corbel thereof shall not project more than eighteen inches from the building;

(iii) the cornice and corbel of the shop front may project to an extent not greater than is mentioned in the foregoing paragraphs of this proviso over the roadway of the street or over any ground left open;

(e) bay windows to a dwelling-house which is so situate in a street that the front wall of the dwelling-house is distant not less than forty feet from the opposite boundary of the street:

Provided that no such bay window shall—

(i) project more than three feet beyond the external wall of the building to which it belongs; or

(ii) project in any part nearer to the centre of the roadway of the street than the prescribed distance; or

(iii) be used for purposes of trade;

(f) oriel windows or turrets to a building which is so situate in a street that the front wall of the building is distant not less than forty feet from the opposite boundary of the street:

Provided that any such oriel window or turret may project to an extent not greater than twelve inches over the roadway of any street or over any ground left open but no such oriel window or turret shall—

(i) project more than three feet beyond the external wall of the building to which it belongs;

(ii) be in any part less than ten feet measured from directly beneath the centre of the face of the oriel window or turret above the level of the footway of the street immediately in front of the building or if there is no such footway the level of the ground before excavation;

(iii) be constructed otherwise than to the satisfaction of the district surveyor.

(2) Where on any frontage of a building there are bay windows oriel windows turrets pilasters verandahs balustrades outside landings or other architectural decorations projecting beyond the general line of buildings in the street part of a street place or row of houses in which the building is situate the width in the aggregate of all such projections (excluding porches porticos and balconies) beyond the said general line of buildings shall not on any storey of the building exceed three-fifths of the width of the building on that frontage.

PART XII.
—cont.

(3) Except in so far as is permitted by this section no projection from any building shall extend beyond the general line of buildings in any street part of a street place or row of houses unless the Council after consultation with the local authority otherwise consent.

(4) This section shall not apply to a projection which being a sign does not form an integral part of the building.

132. If any portion of a building of architectural or historic interest constructed otherwise than in accordance with the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts is taken down or destroyed such portion may with the consent of the Council be restored in the material and in the design in which it was constructed before being taken down or destroyed.

Buildings of
archi-
tectural or
historic
interest.

133.—(1) All arrangements and safeguards for lessening danger from fire provided in pursuance of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts shall be kept and maintained in good condition and repair and in efficient working order by the owner of the building and no person shall do or permit or suffer to be done anything to impair the efficiency of any such safeguards or arrangements.

Mainten-
ance of
means of
escape &c.

(2) All means of escape in case of fire and all safeguards to prevent the spread of fire and any arrangements in connection therewith provided in pursuance of the provisions of Part V (Means of escape in case of fire) of this Act or otherwise shall be kept and maintained in good condition and repair and in efficient working order by the owner of the building and no person shall do or permit or suffer to be done anything to impair the

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII. efficiency of any such means of escape safeguards or
—*cont.* arrangements :

Provided that the provisions of this subsection shall not apply to buildings or parts of buildings exempted by the provisions of section 150 (Buildings exempt from Part V &c.) of this Act except as respects any old building referred to in paragraph (k) of that section which was a new building within the meaning of section 95 (Interpretation for Part VIII of Act) of the Act of 1930.

(3) In relation to any particular building or part of a building the Council may dispense with the requirements of this section as respects any arrangement or safeguard for lessening danger from fire or any means of escape in case of fire or any safeguard to prevent the spread of fire or any arrangement in connection therewith in the event of any circumstances in or affecting that building or part of a building or the use to which that building or part of a building is put rendering unnecessary the keeping and maintaining of such arrangement safeguard or means of escape.

Buildings
not to be
altered so as
not to con-
form to Act
or byelaws.

134. No person shall without the consent of the Council make any alteration of any building in such manner that when so altered it will by reason of the alteration not comply with the London Building Acts or with any byelaws made in pursuance of those Acts.

Additions
and altera-
tions to
buildings or
structures.

135. Every addition to or alteration of a building or structure and every other work made or done for any purpose in to or upon a building or structure (except necessary repair not affecting the stability or construction of the building or structure or any part of the building or structure) shall be subject to the provisions of the London Building Acts and of any byelaws made in pursuance of those Acts.

Buildings
partially
destroyed
&c. or
spaces
roofed
over to be
buildings or
structures.

136.—(1) Except as otherwise expressly provided by the London Building Acts where after the commencement of this Act—

(a) any building has been destroyed by fire or other casualty or demolished pulled down or removed from any other cause to an extent exceeding one-half of the aggregate of the superficial areas

of the enclosures (excluding party walls) and of the roof and of the floors of the building and is reconstructed or begun to be reconstructed wholly or partly on the same site; or

PART XII.
—cont.

(b) any open space between walls or buildings is roofed over or begun to be roofed over; the whole of the building so reconstructed or begun to be reconstructed or the whole of the open space roofed over or begun to be roofed over as the case may be shall (subject to the provisions of section 138 (Party walls &c. to be taken down for rebuilding) of this Act) be deemed to be a building or structure erected after the commencement of this Act.

(2) For the purposes of this section the superficial area of the roof of the building shall be taken if there is only one roof to the building as the superficies of a horizontal section of the building or if there is more than one roof to the building the aggregate of the superficies of a horizontal section of each of the respective parts of the building of which the roofs form the covering.

137. The provisions of section 134 (Buildings not to be altered so as not to conform to Act or byelaws) section 135 (Additions and alterations to buildings or structures) and section 136 (Buildings partially destroyed &c. or spaces roofed over to be buildings or structures) of this Act shall not apply to any building structure or work referred to in section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act if and so far as such building structure or work is by virtue of the said section 149 exempt from the operation of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts:

Application
of sections
134 135 and
136 of Act.

Provided that the provisions of this section shall not operate so as to preserve any exemption referred to in the said section 149 if the building or structure so altered added to or reconstructed or the work made or done would not be so exempt.

138. Where a party wall or external wall which does not comply with the provisions of the London Building Acts or any byelaws made in pursuance of those Acts is destroyed by fire or other casualty or demolished pulled down or removed from any other cause to an extent exceeding one-half of its elevational

Party walls
&c. to be
taken
down for
rebuilding.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII. area every remaining portion of that party wall or
—*cont.* external wall which does not comply shall unless the
Council otherwise consent either be made to comply
with such provisions or be taken down before the
rebuilding of such wall :

Provided that the provisions of this section shall not
apply to any party wall separating buildings which are
or to any external wall which is by virtue of section 149
(Buildings exempt from provisions of Parts III and IV
&c.) of this Act exempt from the operation of the
provisions of the London Building Acts or of any
byelaws made in pursuance of those Acts.

Rules for
conver-
sion of
buildings.

139.—(1) No person shall without the consent
of the Council convert a building or structure or part
of a building or structure in such manner that the
building or structure or part of the building or structure
will after being so converted not comply with such of the
provisions of the London Building Acts or of any byelaws
made in pursuance of those Acts as may be applicable
to the building or structure or part thereof as so converted.

(2) For the purposes of this section the expression
“convert” includes a change of user whether or not
involving any structural alteration.

Amend-
ment of
section 45
of Act of
1930.

140. Section 45 (Open space to be provided about
certain buildings not abutting on a street) of the Act of
1930 shall be read and have effect as if “six weeks”
were substituted for “one month” wherever that
expression occurs in the section.

Power of
owner and
others
to enter
premises
and execute
work.

141.—(1) Notwithstanding any provision contained
or implied in any lease or contract it shall be lawful—

(a) for the owner of a building or structure to
enter the building or structure or the curtilage
thereof for the purpose of carrying out any
work or providing any safeguard required to be
carried out or provided by him in virtue of
any of the provisions of Part V (Means of escape
in case of fire) of this Act or for the purpose
of maintaining in pursuance of section 133
(Maintenance of means of escape &c.) of this Act
all means of escape in case of fire and all
safeguards for lessening danger from fire and
any arrangements in connection therewith ;

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

- (b) for a person on whom a notice has been served or to whom an order has been directed under the London Building Acts or any byelaws made in pursuance of those Acts upon production of the said notice or order to enter any building structure room or place which it is necessary for him to enter for the purpose of complying with the said notice or order;
- (c) for a person who has entered any premises in virtue of this section to do therein or thereon all such things as are reasonably necessary for effecting the purpose of such entry.

PART XII.
—cont.

(2) Any entry upon premises which is authorised by this section may be made by the person so authorised or by his agent either of whom may be accompanied by necessary assistants or workmen but entry to any premises not being a factory or workplace is not to be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier of such premises.

(3) In this section the expression "owner" in relation to any requirement in virtue of any of the provisions of Part V (Means of escape in case of fire) of this Act has the same meaning as in that Part of this Act.

142.—(1) A power of entry upon any premises or to execute any act given to the Council or the common council or a local authority by the London Building Acts or by an order of any court made in pursuance of those Acts may be exercised by an officer authorised generally or specially by the body to which the power is given.

Power of
Council and
others to
enter build-
ings &c.

(2) (a) For the purposes of the London Building Acts or any byelaws made in pursuance of those Acts the superintending architect the district surveyor or any authorised officer of the Council may (on producing if so required some duly authenticated document showing his authority) at all reasonable times enter upon inspect and examine any land premises building structure or work to which the provisions of those Acts or byelaws apply or which he has reasonable cause to believe is affected by the provisions of those Acts or byelaws and may do all such things as are reasonably necessary for the purposes of such entry.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
 (Amendment) Act, 1939.

PART XII.
—cont.

(b) As respects any matter referred to in the London Building Acts or any byelaws or regulations made in pursuance of those Acts for the execution or administration of which the common council or the local authority are responsible paragraph (a) of this subsection shall apply as if an authorised officer of the common council or the local authority as the case may be were mentioned therein instead of an authorised officer of the Council.

(3) The district surveyor or any authorised officer of the Council may (on producing if so required some duly authenticated document showing his authority) at all reasonable times and after reasonable notice enter any premises for the purpose of ascertaining whether any exemption from any of the provisions of the London Building Acts or any byelaws made in pursuance of those Acts is applicable and may do all such things as are reasonably necessary for the said purpose.

(4) The superintending architect a district surveyor or an authorised officer entering any premises by virtue of this section may be accompanied by necessary assistants or workmen.

(5) If any person who in pursuance of this section is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(6) In the exercise at or upon any railway premises of the powers conferred upon him by this section any person referred to in this section shall conform to such reasonable requirements of the railway company owning or using such premises as are necessary to prevent the working of the traffic thereat being obstructed or interfered with and the railway company shall not be liable for any accident or injury which may happen to any such person as aforesaid while upon any lines of rails of the railway company or any land immediately adjoining any such lines of rails.

(7) In this section the expressions "district surveyor" and "structure" have for the purposes of Part VII (Dangerous and neglected structures) of this Act the same meaning as in that Part of this Act.

(8) Nothing in this section shall apply to any building or structure or part of a building or structure referred to in subparagraph (i) of paragraph (j) of section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act if and so far as such building or structure or part thereof is by virtue of the said section 149 exempt from the operation of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts.

PART XII.
—cont.

143. Where in pursuance of the London Building Acts or of any byelaws made in pursuance of those Acts any consent is required to be given any notice is required to be served or any other thing is required to be done by to or on any owner then if there is no owner or if any such owner cannot be found a county court may on such terms and conditions as the court thinks fit give the consent or do the thing or cause it to be done and may dispense with any notice which would otherwise be required to be served.

Consent &c.
on behalf of
owners not
to be found.

144.—(1) Subject to the provisions of Part II (Formation and widening of streets) and of section 45 (Open space to be provided about certain buildings not abutting on a street) of the Act of 1930 in any case where the Council have power in virtue of the London Building Acts or of any byelaws made in pursuance of those Acts to grant their consent to the doing or omission of any act or thing the Council may give their consent subject to such terms and conditions in relation to the subject matter of such consent as the Council think fit and any such terms and conditions may include conditions applying to any building or structure or land other than that in respect of which the consent is given.

Power to
annex con-
ditions to
consents &c.

(2) Any term or condition subject to which any consent to the doing or omission of any act or thing is given in virtue of the London Building Acts or any byelaws made in pursuance of those Acts shall when accepted be binding on the owner and occupier of the building or structure or land to which the term or condition applies and if at any time any such term or condition is not observed or fulfilled the owner or occupier in default shall be liable to a fine as provided by those Acts.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII.
—cont.

(3) If under any condition subject to which any consent is given in virtue of the London Building Acts or any byelaws made in pursuance of those Acts any building structure work or thing is permitted to be retained for a limited period and is to be removed at the expiration of that period and the building structure work or thing is not removed at the expiration of that period the Council may serve a notice on the owner or occupier of the building or structure or of the land on which the work or thing is situate requiring him to remove it within a reasonable time to be specified in the notice.

(4) Where any person has failed to comply with any notice duly served on him in pursuance of subsection (3) of this section the court before whom proceedings in respect of the contravention or non-compliance are taken may notwithstanding the imposition of any fine and without prejudice to any other powers conferred on the court by this or any other Act make an order directing the said person to remove the building structure work or thing or any part thereof within a period specified in the order.

(5) Where any provision of the London Building Acts or of any byelaws made in pursuance of those Acts is administered by the common council or the local authority this section shall have effect as if the common council or the local authority as the case may be were named therein instead of the Council.

(6) In this section the expression "consent to the doing or omission of any act or thing" includes the sanction licence approval permission or allowance to the doing or omission of any act or thing or the modification waiver dispensation or relaxation of any of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts or the exemption from the application of the provisions of those Acts.

Regulations
as to sub-
mission of
plans &c.

145.—(1) The Council may make regulations with respect to the plans elevations sections or relevant particulars to be submitted in any case in which under the London Building Acts or any byelaws made in pursuance of those Acts—

(a) the sanction consent licence approval permission

2 & 3 GEO. 6. *London Building Acts* **Ch. xcvi.**
(Amendment) Act, 1939.

or allowance of the Council or a metropolitan borough council is required; **PART XII.**
—cont.

- (b) application may be made to the Council for the modification waiver dispensation or relaxation of or exemption from any requirement of the London Building Acts or of any byelaws made in pursuance of those Acts;

and such regulations may include provisions as to the time and manner of making applications to the Council or such local authorities and for the purposes of Part IV (Special and temporary buildings and structures) of this Act as to the expenses to be incurred and paid to the Council or a metropolitan borough council as the case may be and any other matter connected therewith.

(2) Before making any regulations under this section with regard to cases in which the provisions of the said Acts or byelaws are administered by metropolitan borough councils the Council shall consult such councils.

(3) Any regulations made under this section shall be printed and a copy of any such regulations in force shall be kept at the County Hall and a copy shall be supplied at all reasonable hours without payment to any applicant for the same.

146. Applications plans elevations sections and other documents delivered at the offices of the Council or to the district surveyor under the London Building Acts or any byelaws made in pursuance of those Acts or any regulations authorised by section 145 (Regulations as to submission of plans &c.) of this Act shall on being so delivered become the property of the Council. **Plans and documents to be property of Council.**

147. The Council on proof to their satisfaction that a metropolitan borough council have made default in the institution of any proceedings or the doing of any other act necessary for the enforcement or execution of the London Building Acts or any byelaws or regulations made in pursuance of those Acts may institute any proceedings and do any act which the metropolitan borough council might have instituted or done for that purpose and may recover from the metropolitan borough council all such expenses as are incurred by the **Power to Council to act in default of metropolitan borough council.**

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

PART XII. Council in so doing which are not recovered from any
—cont. other person and have not been incurred in any
unsuccessful proceeding.

Offences against Act.

Offences
against Act. **148.**—(1) Subject to the provisions of this Act
each of the acts or omissions specified in the first column
of the tables set out in this section shall be an offence
against this Act.

(2) A person who commits any such offence as is
set out in the following table shall on summary con-
viction be liable to a fine not exceeding the amount
set out in the second column opposite to the offence
and if the act or omission constituting any offence or
the result of any such act or omission continues after
the original conviction therefor he shall be liable to a
further fine not exceeding the amount similarly set out
in the third column for each day on which such act or
omission or the result of any such act or omission so
continues :—

Offence.	Fine.	Fine for each day.
(i) To form or lay out alter or adapt any street or way or begin to do so without having first obtained the sanction of the Council or the tribunal of appeal as the case may be under Part II (Formation and widening of streets) of the Act of 1930 or otherwise than in accordance with the conditions (if any) imposed by the Council or by the tribunal of appeal as the case may be in giving their sanction or to widen or begin to widen any street or way to a less extent than the prescribed distance without giving to the Council the required notice - - -	£ 100	£ 5
(ii) To neglect or refuse for twenty-eight days after the service of any notice under section 14 (Notice to set back buildings) of the Act of 1930 requiring him to set back any building structure fence or boundary to comply with the requirements of that notice or to fail after the expiration of that period to carry out or complete the works necessary for compliance within the time (if any) limited in that notice - - - -	 10	 2

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

PART XII.
—cont.

Offence.	Fine.	Fine for each day.
(iii) To erect or bring forward any building or structure in contravention of any of the provisions of Part III (Lines of building frontage) of the Act of 1930 or of any conditions attached by the Council to any consent given in pursuance of those provisions - - - - -	£	£
(iv) To establish or carry on a dangerous or noxious business in contravention of any of the provisions of Part XI (Dangerous and noxious businesses) of the Act of 1930 - - - - -	5	—
(v) To fail to comply with any condition imposed by the Council under subsection (3) of section 143 (Regulations for building near dangerous business) of the Act of 1930 - - - - -	50	10
(vi) To erect 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 - - - - -	50	10
(vii) To erect or adapt or begin to erect or adapt otherwise than in accordance with Part XII (Dwelling-houses on low-lying land) of the Act of 1930 any building to which that Part applies	50	10
(viii) To contravene or fail to comply with any of the provisions of section 10 (Wrongful setting up of names of streets &c.) or section 13 (Offences as to numbering or naming of buildings) of this Act - - - - -	5	1
(ix) To fail to comply with any term or condition imposed by the Council in giving any consent under section 20 (Precautions against fire in certain buildings and cubical extent of buildings) or section 21 (Uniting of buildings) of this Act or to fail to maintain in an efficient condition any door sliding door shutter style rail bolt or other fastening as required thereunder - - -	50	10
(x) To permit to be used as such any public building the construction of which has not been approved by the district surveyor or the tribunal of appeal as the case may be or which does not comply with section 26 (Construction of public buildings) of this Act or to convert any building into a public building otherwise than in accordance with section 27 (Conversion of buildings into public buildings) of this Act - - - - -	50	10
(xi) To act without statutory authority in any manner so as injuriously to affect the structural stability of or the protection from the action of fire in any building or structure or part of a building or structure - - - - -	5	1

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII.
—cont.

Offence.	Fine.	Fine for each day.
(xii) To set up erect or retain any building or structure to which the provisions of Part IV (Special and temporary buildings and structures) of this Act applies without having obtained the consent required by that Part - - - -	£	£
(xiii) To occupy or permit to be occupied or to let for occupation any part of any building in contravention of the provisions of section 34 (Protection against fire in certain new buildings) of this Act - - - - -	5	—
(xiv) To fail to comply with any requirement made by the Council under section 35 (Protection against fire in certain old buildings) of this Act and (in the event of an appeal) confirmed or varied by the tribunal of appeal within such time as may be required by the Council or the tribunal of appeal as the case may be - -	20	5
(xv) To fail to execute and do with all practicable dispatch after acceptance by the Council of any alternative proposals under section 35 (Protection against fire in certain old buildings) of this Act for the provision of means of escape in case of fire all such works and things as may be necessary to provide the means of escape specified in such alternative proposals - - -	20	5
(xvi) To occupy or permit to be occupied any part of or storey in a building after the making of an order of a court of summary jurisdiction under section 35 (Protection against fire in certain old buildings) of this Act prohibiting the occupation of such part of or such storey in such building unless that order has been discharged as in that section provided - - - - -	20	5
(xvii) To fail to deposit or cause to be deposited at or within the time at or within which the same are by the respective provisions relating thereto required to be deposited any notice or plans sections and elevations required to be deposited under Part V (Means of escape in case of fire) of this Act - - - - -	20	5
(xviii) Otherwise to contravene or fail to comply with any provision of Part V (Means of escape in case of fire) of this Act or with any requirement lawfully made in pursuance thereof - - -	20	5
(xix) Being a building owner liable under Part VI (Rights &c. of building and adjoining owners) of this Act for the making good of any damage which he may occasion to the property of an adjoining owner or adjoining occupier by any		

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

Offence.	Fine.	Fine for each day.
works authorised to be executed by the building owner or for the doing of any other thing upon condition of doing which his right to execute any such works is by the said Part VI declared to arise to fail within a reasonable time to make good that damage or to do that thing - - -	£	£
(xx) To fail to comply with an order made by a court in relation to section 70 (Repayment of expenses incurred by Council) of this Act -	20	5
(xxi) To erect a sky sign or to permit or suffer a sky sign to be erected or to retain a sky sign -	5	1
(xxii) Being a person who is required to serve a building notice to fail so to do or to fail to state in such notice the particulars and information required to be so stated or before serving a building notice to begin to execute a work (other than emergency works referred to in the proviso to section 83 (Service of building notices) of this Act) respecting which such a notice is required or to begin to execute the work to which a building notice relates (other than emergency works as aforesaid) before the expiration of two clear days after the notice has been served on the district surveyor - - - - -	20	5
(xxiii) To fail to give to the district surveyor information in writing of the cost of any addition alteration or other work or to fail to furnish to him such information and evidence with reference to the cost of any addition alteration or other work after being requested so to do by the district surveyor in pursuance of this Act - -	5	—
(xxiv) To fail to comply with a notice of irregularity served upon him - - - - -	5	—
(xxv) Where any materials are sold or otherwise disposed of in pursuance of the London Building Acts to refuse to admit at a reasonable time the purchaser or person authorised to remove them or his servants or agents to the land upon which the materials are situate or to impede him or them in removing the materials from such land at a reasonable time - - - - -	10	5
(xxvi) To fail to give information after having been required to give information in pursuance of section 126 (Information as to ownership of premises) of this Act or knowingly to make any misstatement in respect thereof - - - - -	5	—
(xxvii) To act in any manner in contravention of any of the provisions of section 127 (Storage of timber &c.) of this Act - - - - -	20	5

PART XII.
—cont.

Ch. xcvi. *London Building Acts (Amendment) Act, 1939.* 2 & 3 GEO. 6.

PART XII.
—cont.

Offence.	Fine.	Fine for each day.
(xxviii) To erect or place in upon over or under any street or way any post rail fence bar obstruction or encroachment in contravention of the provisions of section 129 (Preventing obstruction in streets or ways) of this Act or to permit any such post rail fence bar obstruction or encroachment in upon over or under any street or way to remain after notice served upon him by the local authority under that section requiring him to remove it - - - - -	£	£
(xxix) Unlawfully to 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 - - - - -	10	2
(xxx) To contravene or fail to comply with the provisions of section 133 (Maintenance of means of escape &c.) of this Act - - - - -	10	2
(xxxi) To convert or use a building without the consent of the Council in contravention of any of the provisions of section 139 (Rules for conversion of buildings) of this Act - - - - -	20	5
(xxxii) To refuse to admit at a reasonable time any person upon or into any building or its curtilage or any structure room or place for the purpose of (a) carrying out any work or providing any safeguard required to be carried out or provided in virtue of any provision of Part V (Means of escape in case of fire) of this Act (b) maintaining in accordance with the requirements of section 133 (Maintenance of means of escape &c.) of this Act all means of escape in case of fire and all safeguards for lessening danger from fire and any arrangements in connection therewith or (c) complying with any notice served on or order directed to him under the London Building Acts or any byelaws made in pursuance of those Acts in respect of that building structure room or place or to refuse or neglect to afford to him all reasonable assistance in carrying out that work or providing or maintaining that means of escape or safeguard or arrangement or in complying with that notice or executing that order - - - - -	20	5
(xxxiii) To refuse to permit any officer of the Council or of the local authority or the superintending architect or district surveyor or any other authorised person when entitled so to do under the London Building Acts to enter survey inspect or examine any building structure work		

Offence.	Fine.	Fine for each day.
or premises which such officer superintending architect district surveyor or other person is by the London Building Acts authorised to enter survey inspect or examine or to refuse or neglect to afford to him all reasonable facilities and assistance in that survey inspection or examination	£	£
(xxxiv) To refuse to admit at a reasonable time a builder to a building for the purpose of complying or otherwise to prevent a builder from complying with any order of a county court made in pursuance of the London Building Acts	20	5
(xxxv) To hinder or obstruct any person empowered by the London Building Acts to enter and remain on any premises for the purpose of executing or maintaining and to execute or maintain any work authorised or directed to be done in pursuance of those Acts or wilfully to damage or injure any such work	20	5
(xxxvi) Being a workman labourer servant or other person employed in or about any building or structure wilfully and without the privity or consent of the person causing the work to be done to do anything to in upon or about that building in contravention of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts	20	5
(xxxvii) Subject to the provisions of this section and of subsection (8) of section 9 (Modification or waiver of byelaws) of the Act of 1935 to contravene or fail to comply with any term or condition subject to which the consent to the doing or omission of any act or thing within the meaning of section 144 (Power to annex conditions to consents &c.) of this Act has been given under this Act	20	5
(xxxviii) To fail to comply with any notice given to or served on him under subsection (3) of section 144 (Power to annex conditions to consents &c.) of this Act	5	—
(xxxix) To contravene any provision of the London Building Acts or any requirement made in pursuance thereof for which contravention no fine is otherwise provided in this section	5	1

(3) A person who commits any such offence as is set out in the following table shall on summary

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII. conviction be liable to a fine not exceeding the amount
—cont. set out in the second column opposite to the offence
for each day on which the offence continues:—

Offence.	Fine for each day.
(i) To fail to comply with any conditions of a consent of the Council given under Part XII (Dwelling-houses on low-lying land) of the Act of 1930	£ 10
(ii) To fail to comply with an order made by a court in relation to Part III (Lines of building frontage) of the Act of 1930 or subsection (2) of section 7 (Appeals to court of summary jurisdiction) of the Act of 1935 or Part III (Construction of buildings) or Part IV (Special and temporary buildings and structures) of this Act or section 72 (Removal of sky signs) or section 90 (Non-compliance with notice of irregularity) of this Act or subsection (4) of section 144 (Power to annex conditions to consents &c.) of this Act	20
(iii) To occupy or permit to be occupied or to let for occupation any building or part of a building at any time during which the space at the rear of that building required to be provided in pursuance of Part V (Open spaces about buildings and height of buildings) of the Act of 1930 is not so provided	10
(iv) To fail to give notice to the district surveyor in accordance with the requirements of subsection (5) of section 21 (Uniting of buildings) of this Act or to retain without the consent of the Council required by subsection (5) of the said section 21 any opening in a building by which that building was united to another building when they were in one occupation when the building is in more than one occupation	2
(v) To fail to give the notice required by section 153 (Duration of exemption) of this Act of the cessation of exemption or privilege in respect of a building structure or work	1
(vi) To fail to comply with any provision of the London Building Acts or any requirement made in pursuance thereof for which failure no fine is otherwise provided in this section	1

52 & 53 Vict. c. 63. (4) Subject to the provisions of section 33 of the Interpretation Act 1889 (which makes provision as to offences under two or more laws) the liability to the fines in this section mentioned shall be without prejudice to any other proceedings whether under the London Building Acts or under any byelaws made in pursuance of those Acts or otherwise.

Application of Act.

PART XII.

—cont.

Buildings
exempt
from provi-
sions of
Parts III
and IV &c.

149. The following buildings structures and works shall be exempt from the operation of Part III (Construction of buildings) and Part IV (Special and temporary buildings and structures) of this Act and of any byelaws made in pursuance of the London Building Acts with respect to the matters referred to in paragraphs (b) to (e) inclusive and (i) to (n) inclusive and (g) of subsection (1) of section 4 (Power to Council to make byelaws) of the Act of 1935 and in paragraph (d) of section 97 (Additional matters to be dealt with by byelaws) of this Act and in section 98 (Byelaws with respect to construction and conversion of buildings &c.) of this Act:—

(a) (i) Any wall of an embankment or any retaining wall; and

(ii) any bridge pier jetty or wharf wall or quay wall any part of which is over or washed by the water of any river stream or dock; and

(iii) any other bridge carrying a highway:

Provided that without prejudice to any exemption under the following provisions of this section this paragraph shall not apply to any wall forming part of a building;

(b) The Mansion House Guildhall Monument and Royal Exchange within the city;

(c) The offices and buildings of the Bank of England within the city;

(d) All buildings erected by or with the sanction of the Commissioners for the Exhibition of eighteen hundred and fifty-one on any lands belonging to them and purchased in pursuance of any power vested in them by charter or Act and used or occupied for any purposes directly conducive to or connected with the furtherance of the knowledge of science and art and of the application of their principles to productive industry;

(e) The sessions house of the Central Criminal Court and all other sessions houses or other public buildings belonging to or occupied for public purposes by the Council or the justices of the peace of the county of London and of the city respectively;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII.
—cont.

9 Geo. 4.
c. cxiii.

- (f) All sessions houses or other public buildings belonging to or occupied for public purposes by the justices of the peace of the county of Middlesex or the county council of Middlesex and any other building belonging or leased to the said county council if such building is or is being constructed so as to be occupied and used by the said county council in pursuance or for the purposes of any of their statutory functions including any functions exercised through the standing joint committee of the Middlesex quarter sessions and the said county council or exercised by the justices of the peace of the county of Middlesex;
- (g) 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;
- (h) (i) The buildings of the Metropolitan Cattle Market 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 that market;
(ii) The buildings of the Billingsgate Market of the Leadenhall Market of the London Central Markets and of the Spitalfields Market;
- (i) (i) Any building or structure belonging to a railway company and situate upon a railway or within the railway or station premises if any part of such building or structure is occupied and used by the railway company for the railway purposes of their undertaking or if such building or structure is used exclusively for refreshment rooms for the convenience primarily of passengers using the railway or for the sale of articles reasonably required for the convenience of such passengers;
(ii) 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 except (in the case of any such buildings which are not or will not

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

be in the occupation of the railway company) so much of the foundations and walls thereof as do not or will not affect the working of the railway;

PART XII.
—cont.

(iii) 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 that nothing in this paragraph shall prejudice the operation of subsection (3) of section 21 (Uniting of buildings) of this Act or save as otherwise expressly stated exempt any buildings used for the purpose of human habitation so far as they are so used;

(j) (i) Any building or structure or part of a building or structure belonging to the Port of London Authority or to a dock company constituted by Act and situate within the dock premises of the authority or company ;

(ii) any building belonging to the Port of London Authority in their capacity as successors of the conservators of the river Thames if any part of such building is occupied and used by them as a workshop or store ;

(iii) any building belonging to the Port of London Authority in connection with their Surrey Canal undertaking or to a canal company if any part of such building is occupied and used by the authority or company for the purposes of canal works under any Act ;

(iv) any building or structure or part of a building belonging to a gas company and used exclusively for gasworks not being a building or structure or part of a building used as a showroom office staffroom workroom or for any purpose other than gasworks and situate elsewhere than within the curtilage of a gasworks ;

(v) any building or structure belonging or leased to any authorised undertakers (including a joint electricity authority and London Power Company Limited) within the meaning of the Electricity (Supply) Acts 1882 to 1936 authorised to supply electricity in any district in London

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
 (Amendment) Act, 1939.

PART XII.
—*cont.*

and exclusively occupied by such undertakers and used by them as an electricity generating station or for works in connection with the generation of electricity within the curtilage of such an electricity generating station or as a distributing or transforming station but the exemption conferred by this subparagraph shall not apply to—

(1) any building or part of a building (not being a building or part of a building within the curtilage of an electricity generating station and exclusively occupied and used by the authorised undertakers for the purposes of their undertaking) used as a showroom office staffroom workroom or for any purpose other than the purposes aforesaid; or

(2) any building or structure or part of a building which is not within the curtilage of an electricity generating station and which is a building or structure or part of a building to which Part IV (Special and temporary buildings and structures) of this Act applies:

Provided that nothing in subparagraphs (ii) to (v) of this paragraph shall exempt any buildings used for the purpose of human habitation so far as they are so used;

(k) Any building 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 similar apparatus and not extending in any part beyond the general line of buildings in any street;

(l) All buildings (not being public buildings or buildings used for the purpose of human habitation or for trade) not exceeding in any part ten feet in height measured from the level of the ground to the underside of the eaves or roof plate and—

(i) of a superficial area not exceeding two hundred square feet and distant at least ten

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

feet from any other building and from the land of every adjoining owner; or

PART XII.
—cont.

- (ii) of a superficial area not exceeding eight hundred square feet and distant at least fifteen feet from any other building and from the land of every adjoining owner;
- (m) All party fence walls and other boundary walls not exceeding six feet in height measured from the level of the ground;
- (n) Greenhouses used as such and not attached to other buildings;
- (o) The necessary wood or metalwork of the sashes doors and frames of greenhouses used as such and attached to other buildings;
- (p) Cases (used solely for holding plants) fastened to the sill or framework of a window if no portion projects over the public way or more than twelve inches beyond the external face of the wall of the building but this exemption shall not authorise contravention of any enactment relating to the ventilation or lighting of the room in which the window is situate;
- (q) Openings made in walls or flues for the purpose of inserting therein ventilating valves or pipes of a superficial extent not greater than forty square inches if the valves or pipes are not nearer than twelve inches to any timber or other combustible material.

150. The provisions of Part V (Means of escape in case of fire) of this Act and of any byelaws made in pursuance of the London Building Acts with respect to means of escape in case of fire shall not apply to—

Buildings
exempt
from
Part V &c.

- (a) any building the whole of which is subject to the provisions of section 34 of the Factories Act 1937;
- (b) any building or part of a building belonging to the Port of London Authority or to a dock company constituted by Act and situate within the dock premises of the authority or company;
- (c) any building belonging to the Port of London Authority in connection with their Surrey Canal

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII.
—cont.

undertaking if any part of such building is occupied and used by the authority for the purposes of canal works under the Acts regulating that undertaking;

- (d) any building (not being an hotel) belonging or leased to any railway company and situate upon a railway or within the railway or station premises of that or any other railway company if any part of such building is occupied and used by a railway company for the railway purposes of their undertaking or if such building is used exclusively for refreshment rooms for the convenience primarily of passengers using the railway or for the sale of articles reasonably required for the convenience of such passengers;
- (e) the generating stations referred to in section 8 (As to construction of the Company's generating station) of the Metropolitan District Railway Act 1902 and in section 26 (Purchase of land and power to erect and equip generating station) of the London County Council (Tramways and Improvements) Act 1902 respectively;
- (f) any building or part of a building belonging or leased to any authorised undertakers (including a joint electricity authority and London Power Company Limited) within the meaning of the Electricity (Supply) Acts 1882 to 1936 authorised to supply electricity in any district in London and exclusively occupied and used by them as an electricity generating station or for works in connection with the generation of electricity within the curtilage of such an electricity generating station or as a distributing or transforming station but the exemption conferred by this paragraph shall not apply to any building or part of a building used as a showroom office staffroom workroom or for any purpose other than the purposes aforesaid;
- (g) any building or part of a building belonging or leased to any gas company and used exclusively for gasworks not being a building or part of a building erected after the passing of this Act and used as a showroom office staffroom workroom or for any purpose other than gasworks

2 Edw. 7.
c. cccxx.

2 Edw. 7.
c. cccix.

but the exemption conferred by this paragraph shall not apply to any building or part of a building erected before the passing of this Act and used as last aforesaid if any substantial alteration or addition of a structural character of or to such building or part of a building substantially increasing the risk of fire therein or the difficulty of escaping therefrom in case of fire is made or effected after the passing of this Act;

PART XII.
—cont.

- (h) so long as the building is not used otherwise than is mentioned in this paragraph any building used or intended to be used to the extent of not less than three-fourths of its cubical extent as a bank or insurance office or partly for one and partly for the other of such purposes by not more than two companies or firms and used or intended to be used as regards the residue thereof only as a residence for or for providing sleeping accommodation for officers or servants of such companies or firms;
- (i) the premises known as Staple Inn Holborn;
- (j) the buildings of the Stock Exchange in the city situated between Throgmorton Street on the north and Threadneedle Street and Old Broad Street on the south or south-east;
- (k) any old building in the exclusive occupation of a public wharfinger and used by him for the purposes of his business and situate upon or in immediate proximity to a dock wharf quay or riverside frontage and being self-contained and not abutting on any building and not being an uptown warehouse or a building wherein any manufacturing process is carried on or wherein any person sleeps;

in this paragraph the expression "old building" has the meaning assigned to it by section 33 (Interpretation of Part V) of this Act and the expression "public wharfinger" means the owner lessee or occupier of a wharf quay warehouse or granary adjoining the port of London mainly used for warehousing the goods imported into the port of London of persons other than the occupier of such premises;

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII.
—*cont.*

(l) the buildings and premises known as the Royal Albert Hall;

(m) the following buildings so long as they are used for the purposes for which they were respectively used at the commencement of this Act:—

(i) the Mansion House Guildhall Monument and Royal Exchange within the city;

(ii) the sessions house of the Central Criminal Court and all public buildings erected or occupied by the corporation under the provisions of the City of London Police Acts;

(iii) the buildings of the Metropolitan Cattle Market of the Billingsgate Market of the Leadenhall Market of the London Central Markets and of the Spitalfields Market;

(n) any building belonging to the county council of Middlesex the plans of which are approved either expressly or by way of sanction to a loan by a Secretary of State or other Minister of the Crown or by the Board of Control:

Provided that the said county council shall either before or as soon as may be after the submission of the application for the said approval give notice thereof to the Council and the Council shall be entitled within one month after the date of such application or notice (whichever shall be the later) to make representations to the Secretary of State Minister or Board as the case may be with respect to the means of escape from the building to be provided in case of fire;

(o) unless and except so far as the Commissioners of Customs and Excise otherwise allow any building or part of a building approved by those commissioners as a warehouse or store for warehousing or depositing goods without payment of duty while used with such approval for any of such purposes.

151.—(1) There shall be exempted from so much of the London Building Acts and of any byelaws made in pursuance of those Acts as relates to buildings and structures—

PART XII.
—cont.
Crown
exemptions.

- (a) every building structure or work vested in and in the occupation of His Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public purposes;
 - (b) every building structure or work vested in and in the occupation of any department of His Majesty's Government or of the metropolitan police or of the trustees of the British Museum for the public service or for public purposes;
 - (c) every building structure or work vested in and in the occupation of His Majesty in the right of His Duchy of Lancaster; and
 - (d) every building structure or work vested in and occupied for the service of the Duke of Cornwall for the time being.
- (2) Nothing in the provisions relating to means of escape in case of fire of the London Building Acts or of any byelaws made in pursuance of those Acts shall—
- (a) prejudicially affect any estate right power privilege or exemption of His Majesty; or
 - (b) authorise the Council to take use or in any manner interfere with any land hereditaments or rights belonging to or enjoyed by His Majesty in the right of His Crown and being under the management of the Commissioners of Crown Lands except with the consent in writing of those commissioners.
- (3) Nothing in the provisions of the London Building Acts relating to means of escape in case of fire or in section 20 (Precautions against fire in certain buildings and cubical extent of buildings) or section 21 (Uniting of buildings) or section 22 (Division walls to be subject to provisions relating to party walls) of this Act shall authorise the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in the right of His Duchy of Lancaster except with the consent in writing of the chancellor for the time

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII. being of the said duchy (which consent the said
—*cont.* chancellor is hereby authorised to give) or take away
prejudice or diminish any estate right privilege power
or authority vested in or enjoyed by His Majesty
in right of His said duchy.

26 & 27 Vict.
c. 49.

(4) Nothing in the provisions of the London Building Acts relating to means of escape in case of fire or in section 20 (Precautions against fire in certain buildings and cubical extent of buildings) or section 21 (Uniting of buildings) or section 22 (Division walls to be subject to provisions relating to party walls) of this Act shall authorise the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in the right of the Duchy of Cornwall except with the consent in writing of at least two of such of the regular officers of the said duchy or of such other persons as are duly authorised under section 39 of the Duchy of Cornwall Management Act 1863 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by His Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

(5) So much of section 153 (Duration of exemption) of this Act as relates to the giving of notice of the cessation either of any exemption from the operation of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts or of any privilege in respect of the said provisions shall not apply to His Majesty the Duke of Cornwall or any department or person referred to in this section.

Exempting
property of
Inns of
Court.

152. The lands buildings and property of—

- (a) the Honourable Society of the Inner Temple;
- (b) the Honourable Society of the Middle Temple;
- (c) the Honourable Society of Lincoln's Inn;
- (d) the Honourable Society of Gray's Inn;

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

shall be exempt from the provisions of the London Building Acts and of any byelaws made in pursuance of those Acts: PART XII.
—cont.

Provided that nothing in this section shall be deemed to exempt—

- (i) any such land building or property which abuts upon any public street public place or public way from the provisions of Part III (Lines of building frontage) of the Act of 1930; or
- (ii) any such land building or property from the provisions of section 130 (Bridges over high-ways connecting buildings) of this Act so far as they relate to the construction over any public street or public way of a bridge affording communication between buildings.

153.—(1) Any building structure or work in any respect exempt from the operation of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts or in any manner privileged in respect of any of the said provisions 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 and when such a building structure or work ceases to be so exempt or privileged its owner shall forthwith give notice to the Council of the cessation of the exemption or privilege. Duration of exemption.

(2) Where the building structure or work is of such a character that if it had been erected or carried out after the commencement of this Act the erection or carrying out would have been governed by provisions of this Act administered by local authorities this section shall have effect as if the local authority were mentioned therein instead of the Council.

154.—(1) Except as otherwise expressly provided by the London Building Acts a building structure or work erected or constructed before the commencement of this Act or before the coming into operation of any byelaws made in pursuance of the London Building Acts after the commencement of this Act as the case may be in conformity with the provisions of any enactments and byelaws governing the erection or execution of buildings structures or works of a class to which the building structure or work belongs in Buildings erected before commencement of Act and buildings in progress.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

PART XII. force at the time of such erection or execution shall
 —*cont.* (subject to the provisions of the London Building Acts
 and of any byelaws made in pursuance of those Acts
 as to the alteration or conversion of buildings)
 be deemed to be erected or constructed in compliance
 with the London Building Acts and any byelaws made
 in pursuance of those Acts.

(2) Notwithstanding anything contained in the
 London Building Acts a building structure or work
 begun before and in progress at the commencement of
 this Act and a building structure or work which is to
 be erected or constructed under any contract entered
 into before that date shall unless the Council otherwise
 consent be completed subject to and in accordance
 with the provisions of the Acts of 1930 and 1935 and
 of any byelaws made in pursuance of those Acts and in
 force at the commencement of this Act.

(3) Notwithstanding anything contained in the
 London Building Acts a building structure or work
 begun after the commencement of this Act but before
 and in progress on the date of the coming into operation
 of byelaws made in pursuance of those Acts and a building
 structure or work which is to be erected or constructed
 under any contract entered into after the commencement
 of this Act but before the date of the coming into operation
 of such byelaws shall unless the Council otherwise consent
 be completed subject to and in accordance with the
 provisions of the London Building Acts and of any
 byelaws made in pursuance of those Acts and in force
 immediately before the date of the coming into operation
 of the said byelaws.

(4) Nothing in this section shall prejudice the
 operation of Part V (Means of escape in case of fire) of
 this Act.

Savings.

155.—(1) Without prejudice to any other exemption
 conferred by the London Building Acts or any byelaws
 made in pursuance of those Acts nothing in those Acts
 or byelaws shall prejudice or affect—

(a) any of the powers privileges exemptions jurisdic-
 tions or authorities vested in the common
 council as the successors of the commissioners
 of sewers of the city by or under any Act and
 existing immediately before the twenty-fifth

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

day of August eighteen hundred and ninety-four; or

PART XII.
—cont.

- (b) the powers of local authorities with respect to the paving of new streets under the Metropolis Management Acts or their powers to widen alter or improve any street; or
- (c) except as respects Part V (Means of escape in case of fire) of this Act any of the powers rights or privileges conferred upon a gas company by any Act and existing immediately before the twenty-fifth day of August eighteen hundred and ninety-four; or
- (d) any exemption or right which would but for the passing of the Act of 1930 and this Act have been enjoyed under section 21 (Exempting certain school board buildings) of the London Building Act 1894.

(2) Nothing in the London Building Acts or any byelaws made in pursuance of those Acts shall prejudice or affect—

- (a) any of the provisions of the Public Health (London) Act 1936 relating to underground rooms; or
- (b) the operation of section 64 (Power of London County Council to transfer or delegate functions to metropolitan borough councils) of the Local Government Act 1929; or
- (c) the operation of or derogate from any of the provisions of the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act.

19 & 20
Geo. 5. c. 17.

156.—(1) All costs and expenses of the Council in the execution of the London Building Acts and of any byelaws made in pursuance of those Acts shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as they may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed by them in like manner.

Payments
by Council
and local
authorities.
51 & 52 Vict.
c. 41.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(*Amendment*) Act, 1939.

PART XII.
—cont.

(2) All costs and expenses of the common council in or in connection with the execution of any of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts shall except as otherwise expressly provided be defrayed out of the general rate of the city.

(3) All costs and expenses of the council of a metropolitan borough in or in connection with the execution of any of the provisions of the London Building Acts or of any byelaws made in pursuance of those Acts shall be defrayed out of the general rate authorised to be levied by them.

Repeals.

Repeals. **157.**—(1) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule :

Provided that—

- (a) any regulation order determination sanction approval consent permission modification waiver relaxation notice condition licence or certificate made given imposed or issued under any enactment repealed by this Act or by the Act of 1930 shall in so far as it is operative at the commencement of this Act have effect as if it had been made given imposed or issued under this Act;
- (b) subject to the provisions of this Act any person who at the commencement of this Act holds any office to which he was appointed under or by virtue of any enactment repealed by this Act or by the Act of 1930 shall be deemed to have been appointed to that office under or by virtue of this Act;
- (c) any register kept under the provisions of any enactment repealed by this Act or by the Act of 1930 shall if there is a corresponding provision in this Act be deemed part of the register or record to be kept thereunder;
- (d) any account constituted under this Act shall be deemed to be in continuation of the corresponding account constituted under the

2 & 3 GEO. 6. *London Building Acts* Ch. xcvii.
(*Amendment*) Act, 1939.

enactments repealed by this Act or by the Act of 1930; PART XII.
—cont.

- (e) references in any document to the provisions of any enactment repealed by this Act or by the Acts of 1930 or 1935 shall be construed as references to any corresponding provision in the London Building Acts and any byelaws made in pursuance of those Acts;
 - (f) where any offence (being an offence for the continuance of which a fine was provided) has been committed under any enactment repealed by this Act or by the Act of 1930 proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under a corresponding provision in this Act.
- (2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

The SCHEDULES referred to in the
 foregoing Act.

FIRST SCHEDULE.

Section 91.

PART I.

Section 91

FEES PAYABLE TO COUNCIL.

IN RESPECT OF DANGEROUS STRUCTURES.

(a) For general services—	£	s.	d.
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 summons and order (clerk's time)	0	2	6
5. For cost of each summons or order - - - - -	0	3	0

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

For Nos. 2 and 4 (above) each - - - - - 0 2 0

The fees payable upon ten structures shall be the maximum fees.

(b) For surveys inspections and other services by the district surveyor—

In respect of each structure reported as dangerous—

(i) 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—

If the structure does 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

2 & 3 Geo. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

	£	s.	d.	1ST SCH. —cont.
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	
7. For superintending the erection of shoring (including needling when requisite) without hoarding or hoarding without shoring and certifying the account	0	7	6	
8. For supervision including the report of the district surveyor in cases in which 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	
(ii) Where there are more than four adjoining or nearly contiguous structures in the same ownership the fees specified in paragraph (i) of this Part of this schedule shall be payable subject to the substitution of the following fees for the fees specified in the items in that paragraph numbered as follows—				
For No. 2 - - - - -	0	4	0	
For No. 3 - - - - -	0	4	0	
For No. 4 - - - - -	0	4	0	
For No. 5 - - - - -	0	2	6	
For No. 8 - - - - -	0	4	0	

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

1st Sch.
—cont.

IN RESPECT OF NEGLECTED STRUCTURES.

	£	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 each 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 in or the inhabitants of the neighbourhood is to be considered separately in each case.			

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

For Nos. 1 4 and 6 (above) each

For Nos. 2 and 5 (above) each

The fees payable upon ten structures shall be the maximum fees.

For travelling per mile (one way)

Section 91
(3)

PART II.

FEES PAYABLE TO COUNCIL FOR WORK DONE IN CONSEQUENCE OF DEFAULT BY OWNER OF A DANGEROUS STRUCTURE.

For each inspection of the structure after the order has been made	£	s.	d.
	0	7	6

For checking and certifying accounts with respect to taking down repairing or securing the structure—

Where the cost of the work does not exceed £5

Where such cost exceeds £5 but does not exceed £15

Where such cost exceeds £15 but does not exceed £25

Where such cost exceeds £25 but does not exceed £50

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

Where such cost exceeds £50 but does not exceed £75	- - - - -	£	s.	d.	1st Sch.
		2	2	0	—cont.
Where such cost exceeds £75 but does not exceed £100	- - - - -	2	12	6	
Where such cost exceeds £100	- - - - -	3	3	0	
		or 2½ per centum of such cost whichever is the greater.			
For travelling per mile (one way)	- - - - -	0	0	3	

Where there are two or more adjoining or nearly contiguous structures in the same ownership the aggregate cost of the work on all the structures shall be deemed to be the cost of the work for the purposes of the scale of fees specified in this Part of this schedule.

SECOND SCHEDULE.

Sections 92 and 93.

PART I.

Section 92 (a).

FEEs PAYABLE BY BUILDER OWNER OR OCCUPIER TO COUNCIL IN RESPECT OF SERVICES RENDERED BY DISTRICT SURVEYOR.

£ s. d.

(a) In respect of buildings or structures exempt in virtue of section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act—

For making a survey when reasonably necessary for the purpose of ascertaining whether a building or structure or an external addition to a building or structure is so exempt and whether if so exempt it infringes any provision of the London Building Acts or of any byelaws made in pursuance of those Acts from which the building or structure is not exempt

0 10 0

Provided that this fee shall not be payable in respect of a building or structure or an external addition to a building or structure which on survey—

- (i) is ascertained not to be so exempt; or
- (ii) although so exempt is ascertained to be of a cubical extent not exceeding 200 cubic feet.

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

2ND SCH.
 —cont.

(b) In respect of buildings erected after the commencement of this Act (except buildings exempt in virtue of section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act and buildings referred to in heading (a) of Part II of this schedule)—

In respect of a building of a cubical extent not exceeding 5,000 cubic feet—

	£	s.	d.
Not exceeding 500 cubic feet - - - -	0	10	0
Exceeding 500 cubic feet but not exceeding 2,000 cubic feet - - - -	1	0	0
Exceeding 2,000 cubic feet but not exceeding 5,000 cubic feet - - - -	1	10	0

In respect of a building of a cubical extent exceeding 5,000 cubic feet the following fees together with an additional sum of £1 10s. 0d.—

For every 1,000 cubic feet and also for any fractional part of 1,000 cubic feet up to an aggregate cubical extent of 1,000,000 cubic feet - - - - - 0 1 6

For every 1,000 cubic feet beyond the first 1,000,000 cubic feet and also for any fractional part of 1,000 cubic feet - - - 0 0 9

Provided that when two or more dwelling houses each being of a cubical extent exceeding 5,000 cubic feet are erected by one builder or owner at the same time in the same street or under the same scheme the additional sum shall be—

For the first of such buildings - - -	1	10	0
For each additional building - - -	1	0	0

(c) In respect of structures to which Part IV (Special and temporary buildings and structures) of this Act applies the same amount as for a building to which heading (b) of this Part of this schedule applies calculated on the cubical extent of the structure or erection without reference to the extent of any building to which it may be attached or in or on which it may be put up :

Provided that this paragraph shall not apply in any case in which the local authority being a metropolitan borough council are the authority to grant consent under the said Part IV for the setting up erection or retention of the structure.

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

(d) In respect of additions alterations and other works to which the provisions of the London Building Acts and any byelaws made in pursuance of those Acts apply (except additions alterations or other works to or on buildings or structures exempt in virtue of section 149 (Buildings exempt from provisions of Parts III and IV &c.) of this Act and additions alterations and other works referred to in Part II of this schedule)—

For every addition alteration or other work made or done to or on any building or structure after the completion of the building or structure—

When the cost does not exceed £5	-	-	-	0	10	0
When the cost exceeds £5 but not £10	-	-	-	0	15	0
When the cost exceeds £10 but not £25	-	-	-	1	0	0
When the cost exceeds £25 but not £50	-	-	-	1	10	0
When the cost exceeds £50 but not £75	-	-	-	2	0	0
When the cost exceeds £75 but not £100	-	-	-	2	10	0

When the cost exceeds £100 but not £1,000—

For the first £100 the sum of £2 10s. 0d.
and for every £100 beyond the first £100 and
also for any fractional part of £100 - - - 0 12 6

When the cost exceeds £1,000—

For the first £1,000 the sum of £8 2s. 6d.
and for every £100 beyond £1,000 and also
for any fractional part of £100 - - - 0 3 0

Provided that—

- (1) When the addition alteration or other work is made or done as the result of a notice served under section 62 (Certification of dangerous structures) of this Act without the necessity of a complaint being made to a court of summary jurisdiction and the cost thereof does not exceed £5 no fee shall be payable in respect thereof;
- (2) When the addition alteration or other work is made or done as the result of a notice served under the said section 62 or an order of a court of summary jurisdiction and the cost thereof exceeds £5 the fee payable shall be reduced by the amount of the fee payable under item 2 of paragraph (i) of heading (b) of Part I of the First Schedule to this Act for an inspection and report as to the completion of the works when such

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

2ND SCH.
 —cont.

inspection is coincident with any other £ s. d.
 inspection made by the district surveyor
 in connection with his supervision of an
 addition alteration or other work under the
 London Building Acts and any byelaws
 made in pursuance of those Acts;

- (3) No fee shall exceed the fee payable in respect
 of a building to which heading (b) of this
 Part of this schedule applies of the same
 cubical extent as that of the building as
 altered and in the case of an addition
 alteration or other work made or done to or
 on one of two or more existing buildings
 which have been united each building shall
 be deemed a separate building for the pur-
 pose of calculating the maximum fee and
 in the case of an addition alteration or other
 work made or done to or on one section or
 division of an existing building which has
 been planned in separate sections or is in
 distinct divisions each section or division of
 the building shall be deemed a separate
 building for such purpose.

(e) In respect of public buildings (except public
 buildings wherein the loads and stresses are transmitted
 through each storey to the foundations wholly or prin-
 cipally by a skeleton framework of steel or reinforced
 concrete or both)—

The fees payable shall be those payable under
 heading (b) or heading (d) (as the case may be)
 of this Part of this schedule with the addition
 of fifty per centum of the respective amounts
 of such fees.

(f) In respect of shafts and chimney breasts (except
 shafts and chimney breasts exempt by virtue of
 section 149 (Buildings exempt from provisions of
 Parts III and IV &c.) of this Act)—

On the construction of a chimney shaft or similar
 shaft for ventilation or other purpose in
 addition to the fee payable for any other
 operation in progress at the same time—

Not exceeding 10 feet in height - - -	0	10	0
Exceeding 10 feet and not exceeding 20 feet	1	0	0
Exceeding 20 feet and not exceeding 30 feet	1	10	0
Exceeding 30 feet and not exceeding 75 feet	3	0	0
Exceeding 75 feet and not exceeding 100 feet	4	0	0

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(Amendment) Act, 1939.

Exceeding 100 feet—	£	s.	d.	2ND SCH.
For the first 100 feet the sum of £4 and for every 10 feet beyond 100 feet and for any fractional part of 10 feet - - -	0	10	0	—cont.

Provided that in respect of a reinforced concrete shaft the fee shall be two and one half times the fee payable according to the foregoing scale.

On examining and certifying that a chimney breast in a party wall may or may not be cut away - - - - -	0	15	0	
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(g) On certifying plans—

- (i) For examining and certifying plans under section 46 (Saving for certain domestic buildings on old sites) of the Act of 1930—

A fee equal to one half of the amount of the fee specified in this Part of this schedule in respect of the erection of a building to which heading (b) of this Part of this schedule applies of the same cubical extent as that of the building to which the plans relate with a minimum fee per building of - - - - - 2 0 0

- (ii) For examining and certifying plans under section 13 (Position of buildings with reference to highways) of the Act of 1930—

(1) If the external wall of the building or structure wholly abuts on the roadway and the length of such wall does not exceed 40 feet; or

(2) If the external wall of the building or structure abuts in part on the roadway and there is a forecourt or other space between a portion of the external wall and the roadway and the aggregate length of so much of the external wall as abuts on the roadway and of the external fence or boundary of such forecourt or other space abutting on the roadway does not exceed 40 feet; or

(3) If no portion of the external wall of the building or structure abuts on the roadway but there is a forecourt or other space between the external wall and the roadway and the length of the external

Ch. xcvi. *London Building Acts 2 & 3 GEO. 6.*
(Amendment) Act, 1939.

2ND SCH.
 —cont.

fence or boundary of such forecourt or £ s. d.
 other space abutting on the roadway does
 not exceed 40 feet—

A fee of - - - - - 2 0 0

If any such length or aggregate length
 as the case may be exceeds 40 feet—

the said fee of £2 and in addition for
 every 20 feet of such length or aggregate
 length beyond 40 feet and also for any
 fractional part of such length or aggregate
 length of 20 feet - - - - - 0 10 0

Provided that if plans submitted at any one
 time under the said section 13 to the district
 surveyor include two or more adjoining or
 nearly contiguous buildings or structures and
 the district surveyor certifies such plans or so
 much of such plans as includes more than one
 of such buildings or structures the buildings
 or structures to which the certified plans relate
 shall for the purpose of calculating the fee
 payable be deemed to be one building or
 structure;

(iii) For examining and certifying plans under
 both the said sections 46 and 13 of the Act
 of 1930—

A fee equal to—

(1) The amount of the fee payable under the
 foregoing sub-paragraph (i); and

(2) one half of the amount of the fee payable
 under the foregoing sub-paragraph (ii).

(h) For special services—

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

For services relating to the erection of buildings
 on low-lying lands - - - per building 0 5 0

Section 92
 (b).

PART II.

FEES PAYABLE BY BUILDER OWNER OR OCCUPIER TO COUNCIL IN
 RESPECT OF SERVICES RENDERED BY DISTRICT SURVEYOR IN
 REGARD TO BUILDINGS WHEREIN THE LOADS AND STRESSES
 ARE TRANSMITTED THROUGH EACH STOREY TO THE FOUNDA-
 TIONS WHOLLY OR PRINCIPALLY BY A SKELETON FRAMEWORK
 OF STEEL OR REINFORCED CONCRETE OR BOTH.

(a) In respect of a building erected after the commencement
 of this Act wherein the loads and stresses are transmitted through

2 & 3 GEO. 6. *London Building Acts* Ch. xcvi.
(*Amendment*) Act, 1939.

each storey to the foundations wholly or principally by a skeleton framework of steel or reinforced concrete or both—

2ND SCH.
—cont.

- (i) A fee based on the cubical extent of the proposed building and equal to one half of the amount of the fee payable in respect of a building to which heading (b) of Part I of this schedule applies :

Provided that if at any time after the fee has become payable the cubical extent on which the fee was calculated is increased a further fee shall be payable equal in amount to the difference (if any) between the amount of the fee which would be payable in respect of the cubical extent as so increased and the amount of the fee payable in respect of the cubical extent stated in the original building notice but no additional fee shall be payable in respect of other modifications of the details of the plans sections and calculations submitted with the building notice where such modifications are the result of requirements of byelaws made in pursuance of the London Building Acts; and

- (ii) A fee equal to one and one-half times the amount of the fee payable in respect of a building to which heading (b) of Part I of this schedule applies.

(b) In respect of additions alterations and other works to or on buildings wherein the loads and stresses are transmitted through each storey to the foundations wholly or principally by a skeleton framework of steel or reinforced concrete or both and made or done to or on the buildings after the completion of the buildings—

A fee to be calculated in the same manner as if the addition alteration or other work were an addition alteration or other work under heading (d) (other than proviso (3) to the scale set out under that heading) of Part I of this schedule but the fee shall not exceed the total amount of the fee payable under heading (a) of this Part of this schedule in respect of a building of a total cubical extent equal to the total cubical extent of the building as altered and containing a cubical extent in respect of which the loads and stresses are transmitted through each storey to the foundations wholly or principally by a skeleton framework of steel or reinforced concrete or both equal to the cubical extent of such construction contained in the building as altered and in the case of an addition alteration or other work made or done to or on one of two or more existing buildings which have been united each building shall be deemed a separate building for the purpose of calculating the maximum fee and in the case of an addition alteration or other work made or done to or on one section or division

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
 (Amendment) Act, 1939.

2ND SCH.
—cont.

of an existing building which has been planned in separate sections or is in distinct divisions each section or division of the building shall be deemed a separate building for the said purpose.

(c) In respect of conversion of buildings within the meaning of subsection (2) of section 2 of the Act of 1935 in connection with which no structural work is involved but the district surveyor is required to perform a duty involving calculations as to the stability of the building such fee to be fixed in each case by the Council as may be reasonable in the circumstances of that case.

Section 92(c)

PART III.

**FEES PAYABLE BY BUILDER OWNER OR OCCUPIER TO COUNCIL
IN RESPECT OF SERVICES RENDERED BY DISTRICT SURVEYORS
IN REGARD TO MEANS OF ESCAPE IN CASE OF FIRE.**

In respect of any work or thing under section 34 (Protection against fire in certain new buildings) or section 35 (Protection against fire in certain old buildings) of this Act a fee equal to one fifth of the amount of the fee payable under heading (b) of Part I of this schedule in respect of a building or the sum of £2 whichever is the greater :

Provided that in the case of a one storey building the minimum fee shall be £1 instead of £2.

In respect of any work or thing under section 36 (Projecting shops) or section 37 (Means of access to roofs) of this Act a fee equal to one fifth of the amount of the fee payable under Part I of this schedule in respect of an alteration addition or other work or the sum of £1 10s. whichever is the greater.

Section 93.

PART IV.

RULES.

1. Any fees payable 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 payable in respect of the fixing of a chimney pot.
3. No fee shall be payable 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 payable in respect of the repairing of a parapet unless the parapet has been pulled down to a greater extent than twelve inches.

2 & 3 GEO. 6. *London Building Acts (Amendment) Act, 1939.* Ch. xcvi.

5. In calculating for the purposes of this schedule the cubical extent of any building erected after the commencement of this Act the cubical extent of all unattached outbuildings (including exempted buildings) not exceeding 300 cubic feet in extent shall be included if such outbuildings are erected at the same time as the main building.

2ND SCH.
—cont.

THIRD SCHEDULE.

Section 157.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.
34 & 35 Vict. c. lv.	Billingsgate Market Act 1871.	Section 15.
38 & 39 Vict. c. lix	London Central Markets Act 1875.	Section 22.
42 & 43 Vict. c. cii.	Leadenhall Market Act 1879.	Section 17.
16 & 17 Geo. 5. c. xiv.	Hackney Borough Council Act 1926.	Section 47.
20 & 21 Geo. 5. c. clviii.	London Building Act 1930.	Section 5 so far as subsection (2) of section 4 of this Act declares that it shall cease to have effect. Section 18. Part IV comprising sections 33 to 41. Part VI comprising sections 57 to 88 so far as unrepealed. Part VII comprising sections 89 to 94. Part VIII comprising sections 95 to 112. Part IX comprising sections 113 to 127. Part X comprising sections 128 to 142. Part XIII comprising sections 149 and 150. Part XIV comprising sections 151 to 183. Part XVI comprising sections 187 to 210. Part XVII comprising sections 211 to 236. First Fourth and Fifth Schedules.

Ch. xcvi. *London Building Acts* 2 & 3 GEO. 6.
(Amendment) Act, 1939.

3RD SCH.
—cont.

Session and chapter.	Short title.	Extent of repeal.
21 & 22 Geo. 5. c. lix.	London County Council (General Powers) Act 1931.	Section 48.
25 & 26 Geo. 5. c. xcii.	London Building Act (Amendment) Act 1935.	Paragraph (f) of subsection (2) of section 4. In paragraph (a) of section 8 the words "the Secretary of State". In subsection (2) of section 9 the words from "and shall be accompanied" to end of the subsection. In subsection (8) of section 9 from the beginning of that subsection down to "of the principal Act" where those words secondly occur. Subsection (2) of section 10. Section 11. Subsections (2) and (3) of section 13.

Ch. xcvi.

*London Building Acts
(Amendment) Act, 1939.*

2 & 3 GEO. 6.

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