

THE KINGSTON AND ST. ANDREW BUILDING ACT

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THE KINGSTON AND ST. ANDREW BUILDING ACT

[19th April, 1883.]

Cap. 191.
Law
15 of 1957.
Acts
42 of 1969
3rd Sch.
30 of 1987,
28 of 1991,
39 of 1995
S. 3,
1 of 2015
S. 58.

PART I. *Preliminary*

1. This Act may be cited as the Kingston and St. Andrew Building Act. Short title.

2.—(1) In this Act—

Inter-
pretation.

the “area” of every building shall be deemed to be the superficies of a horizontal section of such building made at the point of its greatest surface, including the external wall and such portion of the party walls as belong to the building, but excluding any attached building the height of which does not exceed the height of the ground storey;

“the base of the wall” shall mean the course immediately above the footings;

“bressumer” means a wooden or reinforced concrete beam, or metallic girder, which carries a wall;

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

“Building Authority” and “Corporation” means the Council of the Kingston and St. Andrew Corporation appointed and constituted under the provisions of the Kingston and St. Andrew Corporation Act, or such other body as may be, by order of the Minister, substituted for that Corporation for the purposes of this Act in pursuance of the powers contained in this Act; 28/1991
S.2 (a).

“building of the warehouse class” means a warehouse,

factory, manufactory, brewery, distillery, foundry, and any other building, exceeding in cubical extent one hundred and twenty-five thousand cubic feet, which is neither a public building nor a domestic building;

“business area” means an area bounded by a line commencing at a point in the harbour of Kingston, one hundred yards south of the shore of the harbour, at the centre of Highholborn Street, running thence along the centres of the following streets—Northerly along Highholborn Street to Harbour Street thence westerly along Harbour Street to Hanover Street, thence northerly along Hanover Street to East Queen Street, thence westerly along East Queen Street to Duke Street, thence northerly along Duke Street to Sutton Street, thence westerly along Sutton Street, North Parade and Heywood Street to West Street, thence southerly along West Street to Barry Street, thence westerly along Barry Street to Pechon Street, thence southerly along Pechon Street and continuing from Pechon Street in a straight line to the shore of the harbour, and southward out to a point in the harbour, one hundred yards from the shore, and thence easterly in a line parallel to the shore of the harbour and one hundred yard distance therefrom to the point of commencement, and every other area within the urban and suburban districts defined and described in the Second Schedule to the Kingston and St. Andrew Corporation Act, which the Minister may from time to time by order in the *Gazette* declare to be a business area for the purposes of this Act;

“centre of the roadway”, in relation to any road, passage or way, existing on the nineteenth day of April, 1883; or thereafter formed, shall mean the centre of the roadway of such road, passage or way, as existing immediately before the time when first after the date aforesaid, or the formation of the same, any house or building fronting towards or abutting upon such road, passage or way, was begun to be constructed or extended;

“cross wall” shall apply to every wall used or built in order to be used as a separation of one part of any building from another part of the same building, such building being wholly in one occupation;

“cubical content” applied 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;

“domestic building”, includes a dwelling-house, or an office building, or outbuilding appurtenant to a dwelling-house, whether attached thereto or not, and any other building, not being a public building, or of the warehouse class;

“dwelling-house”, means a building used, or constructed, or adapted to be used, wholly or principally for human habitation;

“external wall” means an outer wall or vertical enclosure of any building, not being a party wall;

“fire-resisting material” means any of the things described in the Second Schedule; Second
Schedule.

“ground storey” means that storey of a building to which there is an entrance from the outside, on or near the level of the ground;

“habitable”, applied to a room, means a room constructed or adapted to be inhabited;

“height”, in relation to any building, means the measurement taken from the level of the street (if any) immediately in front of the centre of the face of the building; or (where there is no such street) 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 case of gable buildings) to the base of the gable;

"inhabited", applied to a room, means a room in which some person passes the night, or which is used as a living room, including a room with respect to which there is a probable presumption (until the contrary is shown), that some person passes the night therein, or that it is used as a living room;

"new building", includes (a) a building begun to be built or rebuilt after the 29th day of July, 1907, and includes the re-erecting of any building pulled down, damaged, or destroyed to or below the floor immediately above the ground storey, thereof, or of any building of which only the framework is left above the ground storey and any addition to, or external alteration of an existing building, and (b) any space between walls roofed after the 29th day of July, 1907;

"owner" shall apply to every person in possession or receipt either of the whole or of any part of the rents or profits of any land or tenement, or in occupation of any land or tenement, otherwise than as a tenant from year to year or for any less term, or as a tenant at will, and the attorney or agent of any such person;

"party structure" shall include party walls and dividing walls, partitions and fences, between premises either owned or occupied by different persons, and also partitions, arches, floors and other structures, separating buildings, stories or rooms, which belong to different owners, or which are approached by distinct staircases or separate entrances from without;

"party wall" means (a) a wall forming part of a building and used, or constructed or adapted to be used, for separation of adjoining buildings belonging to different owners, or occupied or constructed or adapted to be occupied by different persons; or (b) a wall forming part of a building and standing in any part of its length

to a greater extent than the projection of the footings on lands of different owners;

“person” shall include a body corporate;

“the prescribed distance” shall mean the distance prescribed by the Corporation, by notice published in the *Gazette*, in respect of any particular road, street, lane or way, or any particular portion thereof respectively, to be named in such notice; and in respect of the roads, streets, lanes or ways, or portions thereof respectively, in respect of which no distance has been prescribed in manner aforesaid, shall mean twenty feet from the centre of the roadway of a road or street, and twelve feet from the centre of the roadway of a lane or other way narrower than a road or street;

“public building” means a building used, or constructed, or adapted to be used, either ordinarily or occasionally, as a church, chapel, or other place of public worship, or as a school, college or place of instruction (not being merely a dwelling-house so used), or as a hospital, work-house, theatre, public hall, public concert room, public ball room, public lecture room, public library, or public exhibition room, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used or constructed, or adapted to be used, either ordinarily or occasionally for any other public purpose, also a building used, or constructed, or adapted to be used as a hotel, lodging-house, home, refuge, or shelter, where such building extends to more than one hundred and twenty-five thousand cubic feet, or contains sleeping accommodation for more than a hundred persons;

“roadway” in relation to any road, street, lane or way shall mean the whole space open for traffic, whether carriage traffic and foot traffic, or foot traffic only;

28/1991
S. 2 (b).

“the Surveyor” or “District Surveyor”, as the case may be, means the City Engineer appointed under the Kingston and St. Andrew Corporation Act, or such officer as may be appointed for the purpose of this Act by the Building Authority;

“topmost storey” means the uppermost storey in a building whether constructed wholly or partly in the roof or not;

“tribunal of appeal” means the Chief Technical Director or any person from time to time appointed by him in writing, to hear and determine any appeal.

PART II. *Regulation and Supervision of Buildings*

Buildings
exempt from
operation of
Part II.
42/1969
3rd Sch.

3. All buildings under the supervision or control of the Chief Technical Director, shall be exempt from the operation of this Part.

Area to
which Act
applies.

4.—(1) All the provisions of this Act shall extend to and be in force in—

(a) the business area; and

(b) (subject to any special or general modifications, exceptions or limitations herein contained, or which the Building Authority may from time to time on a resolution approved by the Minister prescribe) all such areas within the urban and suburban districts as defined and described in the Second Schedule to the Kingston and St. Andrew

28/1991
S. 3.

Second
Schedule.

Corporation Act, as the Minister may from time to time by order in the *Gazette* prescribe :

Provided that until the issue of the first of such orders, the provisions of this Act shall extend to and be in force throughout the whole of the area of the said urban and suburban districts.

(2) The following portions of the First Schedule, that is to say paragraph (1) of regulation 24, paragraphs (1) and (2) of regulation 28, and paragraphs (2) and (3) of regulation 30 shall not apply to domestic buildings outside the business area, having a cubical content of not more than one hundred and twenty-five thousand cubic feet.

First
Schedule.

5. Any alteration, addition or other work, made or done for any purpose, except that of necessary repair not affecting the construction of any wall, in, to or upon, any old building, or in, to or upon, any new building after the roof has been covered in, shall to the extent of such alteration, addition or work, be subject to the regulations in the First and Second Schedules, and whenever mention is hereinafter made of any alteration, addition or work, in, to or upon, any building it shall unless the contrary appears from the context, be deemed to imply an alteration, addition or work, to which this Act applies.

Alterations
of and
additions to
old build-
ings.

First and
Second
Schedules.

6. Whenever any old buildings are separated by timber or other partitions not in conformity with this Act, then, if such partitions are removed to the extent of one-half thereof, such buildings shall, as respects the separation thereof, be deemed to be new buildings, and be forthwith divided from each other in the manner directed by this Act.

Divisions
of old
buildings
separated by
improper
partitions.

7. No house or building shall be constructed or begun to be constructed, and no house or building shall be extended or begun to be extended, in such manner that the external wall or front of any such house or building, or if

At what
distance
from centre
of roadway
houses are
to be built.

there be a forecourt or other space left in front of any such house or building the external fence or boundary of such forecourt or other space, shall be at a distance less than the prescribed distance from the centre of the roadway of any road, street, lane or way, without the consent in writing of the Corporation:

Provided always that the Corporation may, in any case where it may think it expedient, consent to the construction, formation or extension, of any house, building, forecourt or space, at a distance less than the prescribed distance from the centre of the roadway of any such road, street, lane or way, and at such distance from the centre of such roadway, and subject to such conditions and terms (if any), as they may think proper to sanction.

Notice to
set back
buildings.

8. In every case where any such house, building, forecourt or space, is constructed, formed or extended, or is begun to be constructed, formed or extended, in contravention of the provisions of section 7, at a distance from the centre of the roadway of any such road, street, lane or way, as aforesaid less than the prescribed distance, or than such other distance as may have been sanctioned by the Corporation, or contrary to the conditions and terms (if any) subject to which such sanction was obtained, the Corporation may serve a notice upon the owner or occupier of the said house, building, forecourt or space, or upon the builder or person engaged in constructing, forming or extending the same, requiring him to comply with the provisions of the said section, and to cause such house, building, forecourt or space, or any part thereof, to be set back so that the external wall of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, street, lane or way as aforesaid, or at such distance and according to such conditions and terms (if any) as the Corporation may have sanctioned.

9. In case any owner, occupier, builder or person, during twenty-eight days after the service of any notice under the preceding section neglects or refuses to comply with the requirements of such notice, or after the expiration of such period fails to carry out or complete the works necessary for such compliance with all reasonable despatch, he shall be liable to a penalty of not less than ten thousand dollars, and not more than twenty thousand dollars, and to a further penalty of not less than eight hundred dollars, and not more than two thousand dollars, for each day during which such default continues after the first day after the expiration of the time limited by such notice.

Penalties for disobedience to notice.

39 of 1995
S. 3.

10.—(1) Every person who proposes to erect or re-erect any building or any part thereof, or to extend any building or any part thereof, shall give notice thereof to the Building Authority, and such notice shall be accompanied by—

Procedure to be adopted by persons proposing to erect or re-erect buildings.

- (a) An accurate ground plan showing the land or site, the frontage line for length of twenty feet, of any building, whether standing or in ruins, adjacent on each side thereof, and the full width of the street or streets immediately in front and at the side or back thereof, if any.
- (b) An accurate plan showing the several floors of such building and the front elevation thereof and at least one cross section and such other cross or longitudinal sections and further particulars, as the Building Authority may from time to time by regulation or in any particular case require.
- (c) An accurate plan showing the frontage of such building on any street or lane.

All such plans shall be to a scale not smaller than one-eighth of an inch to one foot, and the Surveyor shall, if he approve of such drawings, notify his approval of the same in writing to the builder, or he may call for amended draw-

ings for approval or otherwise. In case of dispute the matter shall be submitted to the Building Authority:

Provided always that no plans shall be approved as here-inbefore mentioned unless the class of building and the frontage, elevation and design are in the opinion of the Building Authority suitable to the locality or neighbourhood and unless they make provision for sanitary arrangements to the satisfaction of the Surveyor or the Building Authority or in cases where house sewers cannot be required, to the satisfaction of the Corporation, nor unless plans under the Kingston Improvements Act have been approved by the Building Authority. The Building Authority may also at any time before or after the work has been commenced, require the builder or owner to submit such working drawings or detailed plans as, and drawn to such scale as the Surveyor may prescribe. The procedure in regard to approval or otherwise of such working drawings or detailed plans shall be in all respects as above described:

Provided also that the Surveyor may in his discretion accept a notice unaccompanied by plans and approve of the building proposed subject to such written instructions or directions as may from time to time be given by the Surveyor or Building Authority, and in such case any failure to comply with any of such instructions or directions shall for the purposes of the next subsection be deemed to be a deviation from the approved plan.

(2) Every person who shall erect, or begin to erect or re-erect, or extend, or cause or procure the erection, re-erection or extension of any such building or any part thereof, without previously obtaining the written approval of the Building Authority; or, in case of dispute, of the tribunal of appeal, or otherwise than in conformity with such approval; and every builder or other person who shall, in the erection, re-erection or extension of any such building

or part thereof deviate from the plan approved by the Building Authority; or, in the case of detailed or working drawings, by the Surveyor or the tribunal of appeal, shall be guilty of an offence against this Act, and liable to a penalty not exceeding fifty thousand dollars, besides being ordered by the Court to take down the said building or part thereof, or to alter the same in such way as the Surveyor shall direct, so as to make it in conformity with the approval of the Building Authority or the tribunal of appeal.

39/1995
S. 3.

11. Where any person desires to erect or re-erect any building or any part thereof, so that such erection or re-erection may be deemed a "new building" under this Act, and such person desires to make use of any existing walls as part of such new building, he may make application in writing to the Surveyor for permission so to do. The Surveyor shall upon the receipt of such reports and after such other inspection or investigation as he may think necessary, finally determine whether such walls or any part thereof, and if so, what part, may be so used or not, or upon what terms and conditions the same may be so used, and thereupon such walls, or such portion as aforesaid, may be used in accordance with the determination of the Surveyor and not otherwise.

Making use
of existing
walls.

All expenses which may be incurred in connection with such application, shall be paid by the applicant in advance, and the amount thereof shall be determined by the Surveyor.

12.—(1) Where any builder is desirous of erecting storehouses on any wharf property, any pier, jetty, or any building thereon, or any boathouse, or any shed or latrine or water closet, to which the provisions of this Act are in the opinion of the Building Authority inappropriate, having regard to the special purpose for which the building or structure is designed or adapted to be used, he shall make an application to the Building Authority, accompanied by

Buildings to
which Act
inapplicable.

a plan of the proposed building or structure, with such particulars of the construction thereof as may be required by the Building Authority.

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

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

(4) All expenses incurred in and about the obtaining approval of the Building Authority, shall be paid by the person applying for such approval.

(5) A copy of any plans and particulars approved by the Building Authority shall be furnished to the Surveyor, and it shall be his duty to ascertain that the work and materials are built in accordance with the said plans and particulars.

Temporary
buildings.

13. Where an application is made to the Building Authority, by any person stating his desire to erect in any place a building or structure of a temporary character, to which the general provisions of this Act are inapplicable, or in the opinion of the Building Authority inappropriate, the Building Authority may, if they approve of the plan and particulars of the building or structure, grant permission for the erection of the same, and shall limit the period, not exceeding one year, during which it shall be allowed to remain in that place, and may make their approval subject to such conditions as they think fit.

14. If at the expiration of the period limited by the Building Authority, or if no such period be limited, at the expiration of one year from the approval of the plans and particulars, the building or structure of a temporary character, be not removed, the Building Authority shall serve a notice on the occupier or owner of such building or structure, requiring him to remove it within a reasonable time specified in the notice; and if the owner or occupier fail to remove such building or structure within the time named, the Building Authority shall, notwithstanding the imposition and the recovery of any penalty, cause complaint thereof to be made before the Resident Magistrate, who shall thereupon cause a summons to be issued, requiring such occupier or owner to appear to answer such complaint; and, if the said complaint is proved to the satisfaction of the Resident Magistrate, the Resident Magistrate shall make an order in writing authorizing the Building Authority to enter upon the land upon which such building is situated, and to remove or take down the same, and do whatever may be necessary for such purpose, and also to remove the materials of which the same is composed to a convenient place; and (unless the expenses of the Building Authority be paid to them within fourteen days after such removal) to sell the same as they think proper.

Removal of temporary buildings.

15. In case any owner, occupier, builder, or person, during twenty-eight days after the service of any notice under this Act, neglects or refuses to comply with the requirements of such notice, or after the expiration of such period fails to carry out or complete the works necessary for such compliance, with all reasonable despatch; or in case any owner or occupier fails, for twenty-eight days after the expiration of the period mentioned in his permission under this Act, to remove his building or structures, each of such persons shall be guilty of an offence against this Act, and be liable to a penalty of not less than ten thousand

Penalty for non-compliance with this Act or notice thereunder.

39/1995
S. 3.

[The inclusion of this page is authorized by L.N. 95/1997]

dollars, and not more than twenty thousand dollars, and to a further penalty of not less than eight hundred dollars, and not more than two thousand dollars for each day during which such default continues after the expiration of the time limited by such notice.

Approvals
and assent
to be in
writing.

15/1957

S. 2.

28/1991

S. 4.

16. The approval of the Building Authority of any plans or particulars, or any sanction, or conditional assent by the Building Authority, shall be signified by writing, under the hand of the Surveyor or of any person duly authorized so to do by the Building Authority by resolution, and countersigned by the Clerk or Secretary of the Building Authority, and shall bear the date of such approval.

Register of
conditional
assents.

17. The Building Authority shall keep a register of all conditional assents given by them under this Act, and shall keep the same open to inspection by all persons interested at all reasonable times.

External
walls.

18. The external walls of any new building, where visible from any street, shall be built according to a design or designs approved of by the Building Authority, and not otherwise.

Hoardings.

19. The builder shall erect and keep erected during the execution by him of work on any building or structure, such hoardings and shed roofs for the protection of persons using the adjacent streets or lanes, as shall be prescribed by the Surveyor.

New
buildings.

20. All new buildings, other than temporary buildings built in accordance with law, shall, subject to the provisions of this Act, be built in accordance with the regulations, in the First and Second Schedules, or made pursuant to the provisions of this Act.

First and
Second
Schedules.

21. No chimney, other than a kitchen chimney, shall be erected except with the permission of the Building Authority and in accordance with plans approved of by the Surveyor. Chimneys.

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

No public building shall be used as such, until the Surveyor, or the tribunal of appeal, shall have declared his approval of the construction thereof, and of its suitability for the purpose for which it is proposed to be used.

After the Surveyor shall have declared his approval or shall certify that it has been constructed as directed by the tribunal of appeal, no work affecting or likely to affect the building shall be done to, in, or on the building, without the approval of the Surveyor or the tribunal of appeal.

23. Where it is proposed to convert or alter any building erected for a purpose other than a public purpose, into a public building, such conversion or alteration shall be carried into effect and the public building thereby formed, including the walls, roofs, galleries and staircases thereof, shall be constructed in such manner as may be approved by the Surveyor, or in the event of disagreement, by the tri- Conversion of building into a public building.

bunal of appeal, and the provisions of this Act shall apply to such alteration or conversion, as though it were the construction of a public building.

Penalties.

39/1995
S. 3.

24. Any person acting contrary to, or failing to comply with any of the provisions of this Act, or the regulations under section 25, shall be guilty of an offence against this Act, and in any case in which no penalty is provided for any person so offending, he shall be liable to a penalty not exceeding ten thousand dollars, and to a daily penalty not exceeding one thousand dollars, for every day during which such offence continues after conviction.

**Regulations
in First and
Second
Schedules.**

25.—(1) The Building Authority may, from time to time alter or amend the regulations contained in the First and Second Schedules, and may also from time to time make such further regulations, as they may deem expedient, for better carrying into effect the objects and powers of this Act, with respect to all or any of the following matters, that is to say—

- (a) the minimum distance between buildings and the edge of the roadway;
- (b) the minimum size of buildings intended for human habitation and of the several apartments in such buildings;
- (c) the minimum distance between buildings (whether on the same or separate holdings) intended for human habitation;
- (d) the minimum area of holdings on which various classes of buildings may be erected and the proportion of the area of holdings which each class of building may occupy;
- (e) prescribing the giving by persons proposing to erect buildings to owners and occupiers of adjoining sites notice of intention to submit plans for

any particular class of building, and the posting or service of such notice;

- (f) prescribing the terms upon the manner in which owners and occupiers of adjoining or neighbouring holdings may oppose the approval of plans for any particular class of building and be heard in support of their objections;
- (g) the plans, elevations and sections for new buildings;
- (h) the forms of notice and other documents to be used for the purposes of this Act and other like matters of procedure;
- (i) foundations and sites of buildings and other erections;
- (j) the mode in which and the material with which such foundations and sites are to be made, excavated, filled up, prepared, enclosed, protected and completed for securing stability and for purposes of health;
- (k) the thickness and the description and quality of the substance of which walls may be constructed for securing stability for the prevention of fires and for the purposes of health;
- (l) the size, description, strength, resistance and other qualities, proportions of ingredients, methods of manufacture and treatment and erection of all materials used for the purposes of strength or stability in building;
- (m) the materials which may be used for the paneling of wooden framed houses, and the method of securing such materials to the framework, and the material which may be used for the external covering of such framework;

- (n) the dimensions of joists of floor, the protection of ironwork used in the construction of buildings from the action of fire;
- (o) the description and quality of the substances of which plastering may be made;
- (p) the mode in which and the materials with which any excavation made within a line drawn outside the externals of a building or other erection and at a uniform distance therefrom of three feet shall be filled up;
- (q) the regulation of lamps, signs and other structures overhanging the public way;
- (r) the methods and materials to be employed in the installation of water, gas, electric light, telephones and electric bells in buildings;
- (s) the duties of the Surveyor in relation to any regulations made in pursuance of this section, and in relation to the regulations set forth in the First and Second Schedules;
- (t) the deposit with the Surveyor of any plans submitted for his certificate;
- (u) the procedure to be followed by the tribunal of appeal, including the time of notice of appeal, the fees to be paid by appellants and other parties and the enforcement of the orders of that tribunal;
- (v) creating districts with power to make different regulations in respect of each such district;
- (w) prescribing and/or altering the fees to be paid;
- (x) the imposition for every offence committed against any regulation made under this Act, of a penalty not exceeding two thousand dollars, and a daily penalty not exceeding one thousand dollars for every day during which such offence continues after conviction.

First and
Second
Schedules.

39/1995
S. 3.

(2) The power to make regulations pursuant to this section shall be subject to the provisions of section 223 of the Kingston and St. Andrew Corporation Act.

39/1995
S. 3.

(3) *[Deleted by Act 39 of 1995 S. 3.]*

26. It shall be lawful for the Minister, by order, to transfer all the rights, powers, duties, immunities and discretions by this Act conferred on the Building Authority from the Council of the Kingston and St. Andrew Corporation to any other body and to constitute such other body the Building Authority for the purposes of this Act; and similarly, from time to time to re-transfer such rights, powers and duties from such substituted body to the Council of the Kingston and St. Andrew Corporation or any other body.

Transfer of
powers of
Building
Authority.

28/1991
S. 5 (a).

28/1991
S. 5 (b).

26A. *[Repealed by Act 28 of 1991.]*

The Surveyor

27. With the exemptions hereinbefore mentioned, every building, and every work done to, in or upon, any building, shall be subject to the supervision of the Surveyor.

Buildings to
be under
supervision
of Surveyor.

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

Surveyor
may appoint
deputy with
consent.

28/1991
S. 7.

29. If at any time it appears to the Corporation that, on account of the pressure of business or on any other account, the Surveyor cannot discharge his duties promptly and efficiently for the whole city, then the Corporation may divide the city into two or more districts, and appoint and assign District Surveyors thereto to assist the Surveyor in such districts in the performance of his duties or may appoint some other person or persons to give such assistance to the Surveyor.

Appoint-
ment
of District
Surveyors or
assistant to
Surveyor.
15/1957
S. 3.
28/1991
S. 8.

Supervision
of buildings
of Surveyor
or under his
professional
super-
intendence.

28/1991
S. 9.

30. If any building is erected, or any work done to, in or upon, any building, by or under the superintendence of the Surveyor acting professionally or on his own private account, it shall not be lawful for such Surveyor to survey any such building for the purpose of this Act, or to act as Surveyor in respect thereof, or in any matter connected therewith, but it shall be his duty to give notice thereof to the Corporation, who shall then appoint some other person to act as Surveyor in respect of such matter.

Notices to the Surveyor

Notices to
be given to
Surveyor by
builder.

31. Two days before the following acts or events, that is to say—

Two days before any building or other work to, in or upon, any building, is commenced, and also
if the progress of any such building or work is, after the commencement thereof, suspended for any period exceeding three months, two days before such building or work is resumed, and also
if during the progress of any such building or work the builder employed thereon is changed, then two days before any new builder enters upon the continuance of such building or work,

it shall be the duty of the builder engaged in building or rebuilding such building, or in executing such work, or in continuing such building or work, to give to the Surveyor notice in writing stating the situation, area and height, and intended use, of the building or buildings about to be commenced, or to or in or upon which any work is to be done, and the number of such buildings if more than one, and also the particulars of any such proposed work, and stating also his own name and address; but any works to, in or upon the same buildings that are in progress at the same time may be included in one notice.

32. The Surveyor shall, upon the receipt of any such notice as aforesaid, and also upon any work affected by the rules and the regulations made under this Act, but in respect of which no notice has been given, being observed by or made known to him, and also from time to time during the progress of any works affected by the rules and regulations and directions of this Act, as often as may be necessary for securing the due observance of such rules and regulations, survey any building or work placed under his supervision, and cause all the rules and regulations under this Act to be duly observed.

Duty of Surveyor to survey buildings and cause this Act to be observed.

33. Every notice given in pursuance of this Act shall be deemed, in any question relative to any building or work, to be *prima facie* evidence as against such builder of the nature of the building or work proposed to be built or done.

Notice to be evidence as against builder of intended works.

34. If any builder neglects to give notice in any of the cases aforesaid, or executes any work of which he is hereby required to give notice before giving the same, or having given due notice of any work executes the same before the expiration of two days from the time of giving such notice, such builder shall for every offence incur a penalty not exceeding ten thousand dollars.

Penalties on builder proceeding without giving notice or before expiration of two days after notice.

39/1995
S. 3.

35. At all reasonable times during the progress of any building or work affected by this Act, it shall be lawful for the Surveyor to enter and inspect such building or work; and if any person refuses to admit such Surveyor to inspect such building or work, or refuses or neglects to afford such Surveyor all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding ten thousand dollars.

Powers of Surveyor to enter and inspect buildings, and penalties for obstructing him, etc.

39/1995
S. 3.

Powers of
Surveyor to
enter
buildings to
ascertain
their right to
exemption.

36. The Surveyor may at all reasonable times enter any premises, with the exception of buildings hereinbefore expressly exempted from the operation of this Part, for the purpose of ascertaining whether any buildings erected in such premises are in such a situation or possess such characteristics as are hereinbefore required in order to exempt them from the operation of this Act, and he may do all such things as are necessary for the above purpose, and if any person refuses to admit such Surveyor to enter such premises or to inspect any such building, or neglects to afford to him all reasonable assistance in such inspection, in every such case the offender shall incur a penalty not exceeding ten thousand dollars.

39/1995
S. 3.

As to
commencing
work in
cases of
emergency
before
notice.

37. If by reason of any emergency any act or work is required to be done immediately, or before notice can be given as aforesaid, then it shall be lawful to do the act or work so required to be done, upon condition that before the expiration of twenty-four hours after such act or work has been begun notice thereof is given to the Surveyor.

Notices by
Surveyor in
cases of
irregularity
on part of
builder.

38. In the following cases, that is to say—

If in erecting any building, or in doing any work to, in or upon any building, anything is done contrary to any of the rules or regulations under this Act, or anything required by this Act is omitted to be done, or

in cases where due notice has not been given, if the Surveyor, on surveying or inspecting any building or work, finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the rules or regulations under this Act, or whether anything required by the regulations under this Act has been omitted to be done,

in every such case the Surveyor shall give to the builder engaged in erecting such building, or in doing such work, notice in writing requiring such builder, within forty-eight hours from the date of such notice, to cause anything done contrary to the rules or regulations under this Act to be amended, or to do anything required to be done by this Act but which has been omitted to be done, or to cause so much of any building or work as prevents such Surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid to be to a sufficient extent cut into, laid open or pulled down.

39. If the builder to whom such notice is given makes default in complying with the requisition thereof within such period of forty-eight hours, the Surveyor may cause complaint of such non-compliance to be made before a Justice, and such Justice shall thereupon issue a summons requiring the builder so in default to appear before him, and if upon his appearance, or in his absence upon due proof of the service of such summons, it appears to such Justice that the requisitions made by such notice or any of them are authorized by this Act, he shall make an order on such builder commanding him to comply with the requisition of such notice, or any of such requisitions that may in his opinion be authorized by this Act, within a time to be named in such order.

On non-compliance with notice, power to Justice to order compliance in whole or part upon summons to builder.

40. If such order is not complied with, the builder on whom it is made shall incur a penalty not exceeding forty dollars a day during every day of the continuance of such non-compliance, and in addition thereto the Surveyor may, if he thinks fit, proceed with a sufficient number of workmen to enter upon the premises, and do all such things as may be necessary for enforcing the requisitions of such notice, and for bringing any building or work into conformity with the rules of this Act; and all expenses incurred

Penalties on builder and powers of Surveyor if order of Justice not obeyed.

by him in so doing, and in any such proceedings as aforesaid, may be recovered from the builder on whom such order was made, or from the owner of the premises, by plaint in the Resident Magistrate's Court for Kingston at the instance of the Surveyor, or if the owner cannot be found, or is under disability, or if on demand he refuses or neglects to pay the aforesaid expenses, then the Surveyor, with the concurrence of the Corporation, and under a resolution of the Corporation shall have the same power of taking and selling the building in respect of which the order is made, and applying the proceeds, as is hereby given to the Corporation in the case of dangerous structures.

28/1991
S. 10

Notices as
to latrines
in certain
cases.
30/1987
S. 11.

41. The Surveyor shall, when thereunto required by the Corporation or by the Minister responsible for public health, give notice in writing to the owner or occupier of any premises requiring that any latrine on such premises, whether a new or an old building, shall before a day to be named in such notice, being not less than ten days after the day of service of such notice, be brought into conformity with the rules hereby enacted in respect of latrines, so far as they are applicable to the locality in which they are situated.

Powers of
enforcing
same.
39/1995
S. 3.

If such notice is not complied with, the owner or occupier on whom such notice is served shall incur a penalty not exceeding one thousand dollars a day for every day during the continuance of such non-compliance, and, in addition thereto, the Surveyor shall have and may exercise all the powers for enforcing the requisition of such notice as are vested in or conferred upon him by section 40 in respect of orders or notices therein mentioned.

Penalty on
workmen,
etc., con-
travening
the regula-
tions under
this Act.

42. If any workman, labourer, servant or other person, employed in or about any building wilfully, and without the privity or consent of the person causing such work to

be done, does anything in or about such building contrary to the rules or regulations under this Act, he shall for each such offence incur a penalty not exceeding two thousand dollars.

39/1995
S. 3.

43. The Corporation may from time to time prepare or sanction forms of various notices required by this Act, and may from time to time make alterations therein as they may deem requisite, and any notice made in a form sanctioned by the Corporation shall in all proceedings be held sufficient in law.

Power of
Corporation
to prepare
forms of
notices.

44. There shall be paid to the Corporation for services rendered in respect of the several matters specified in the First Part of the Third Schedule, the fees therein specified, which shall remain in force until replaced by fees prescribed by regulations made by the Building Authority under section 25.

Payment of
fees to
Corporation
or as per
Part I of
Third
Schedule.
15/1957
S. 4(a) &(b)

45. If any special service is required to be performed by the Surveyor, or by any District Surveyor, under this Part, for which no fee is specified in First Part of the said Third Schedule, the Corporation may order such fee as they think fit to be paid for such service.

As to fees
for special
services not
specified in
Third
Schedule.
15/1957
S. 5

45A. An amount equivalent to the prescribed amount of the fees payable to the Corporation under section 44 or 45 shall be paid into and accrue to the National Disaster Fund established under the Disaster Risk Management Act.

Payment
into
National
Disaster
Fund.
1/2015
S. 58 (1).

46. The Surveyor shall, within seven days after the first day of every month, make a return to the Corporation in such manner as they may appoint, of all notices and complaints received by him relative to the business under this Act, and the results thereof, and of all matters brought by him before any Justice or Court of Summary Jurisdiction, and of all the several works supervised and special services performed by him in the exercise of his office within the previous month, and specify in such return the description and locality of every building built,

Monthly
returns to be
made by the
Surveyor to
the
Corporation.

15/1957
S. 7(a), (b).

rebuilt, enlarged or altered, or on which any work has been done, under his supervision, with the particular nature of every work in respect of which any fee has been charged or received by the Corporation.

Effect of such return.

47. Every such return shall be signed by such Surveyor, and shall be deemed to be a certificate that all works enumerated therein as completed have been done in all respects in accordance with this Act according to the best of his knowledge and belief, and that they have been duly surveyed by him.

PART III. *Dangerous Structures*

Survey to be made of dangerous structures.

48. Whenever it is made known to the Corporation that any structure (including in such expression any buildings, walls or other structures, and anything affixed to or projecting from any building, wall or other structure) is in a dangerous state, the Corporation shall require a survey of such structure to be made by the Surveyor, or by some other competent surveyor; and it shall also be the duty of the Surveyor to make known to the Corporation any information he may receive with respect to any structure being in such state as aforesaid.

Certificate of Surveyor's opinion.

49. Upon the completion of his survey the Surveyor or other surveyor employed, shall certify to the Corporation his opinion as to the state of any such structure as aforesaid.

Proceedings upon Surveyor's certificate.

50. If such certificate is to the effect that such structure is not in a dangerous state no further proceedings shall be had in respect thereof; but if it is to the effect that the same

is in a dangerous state the Corporation shall cause the same to be shored up or otherwise secured, and a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier of such structure requiring him forthwith to take down, secure or repair, the same as the case requires.

51. If the owner or occupier to whom notice is given as last aforesaid fails to comply within the time specified in such notice, or if no time is specified then as speedily as the nature of the case permits, with the requisitions of such notice, the Corporation may, with all convenient speed, cause all or so much of such structure as is so certified to be in a dangerous condition to be taken down, repaired, or otherwise secured in such manner as may be requisite; and all expenses incurred by the Corporation in respect of any dangerous structure by virtue of this Part shall be paid by the owner of such structure, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

Powers of Corporation if notice not complied with.

52. If such owner cannot be found or is under disability, or if on demand he refuses or neglects to pay the aforesaid expenses, the Corporation, after giving three months' notice of their intention to do so, by posting a printed or written notice in a conspicuous place on the structure in respect of which or of part of which they have incurred expense, or on the land whereon it stands, may sell such structure either with or without the parcel of land on which it stands, and they shall, after deducting from the proceeds of such sale the amount of all expenses incurred by them, restore the surplus (if any) to the owner.

Power of Corporation to sell for payment of expenses, giving surplus to owner.

53. In cases where any surplus is hereby made payable to any owner, if no demand for the same is made by any person entitled thereto within one month, then the same shall be paid into the Workers Savings and Loan Bank, to be

Application of surplus if no proper demand made for same.

placed to the credit of the owner (describing him so far as the Corporation can) subject to the control of the Resident Magistrate's Court for Kingston, and to be paid out to the owner on his applying by petition, and proving title thereto.

Fees to
Corporation.
15/1957
S. 8 (a),
(b) & (c).

54. There shall be paid to the Corporation in respect of the services rendered by the Surveyor (or other surveyor employed) under this Part, such fees, as may from time to time be prescribed by regulations made by the Building Authority:

Third
Schedule
Part II.

Fees for
special
services.

Provided that until such regulations are made and brought into operation the fees specified in the Second Part of the Third Schedule shall have effect.

55. If any special service is required to be performed by the Surveyor, or by such other surveyor as aforesaid, under this Part, for which no fee is specified in the Second Part of the said Third Schedule, the Corporation may order such fee as they think fit to be paid for such service.

Power to
remove
persons from
dangerous
structures.

56. In cases where a structure has been certified by the Surveyor, or such other surveyor as aforesaid, to be dangerous to its inmates, a Justice may, if satisfied of the correctness of such certificate, upon the application of the Surveyor, by order under his hand, direct any inmates of such structure to be forthwith removed therefrom by a constable or other peace officer.

PART IV. *Party Structures*

Building
owner and
adjoining
owner
defined.

57. In the construction of this Part, such one of the owners of the premises separated by or adjoining to any party structure as is desirous of executing any work in respect to such party structure shall be called the building owner, and the owner of the other premises shall be called the adjoining owner.

58. The building owner shall have the following rights in relation to party structures, that is to say—

Rights of
building
owner.

- (a) a right to make good or repair any party structure that is defective or out of repair;
- (b) a right to pull down and rebuild any party structure that is so far defective or out of repair, or of such unsuitable or dangerous materials, as to make it necessary or desirable to pull down the same;
- (c) a right to pull down any timber or other partition that divides any building or premises, and is not conformable with the regulations of this Act, and to build instead a party wall or other party structure conformable thereto;
- (d) in the case of buildings having rooms or stories the property of different owners intermixed, a right to pull down such of the said rooms or stories, or any part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act;
- (e) a right to raise any party structure permitted by this Act to be raised, or any external wall built against such party structure, upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings and decorations thereof, and of carrying up to the requisite height all flues and chimney stacks belonging to the adjoining owner on or against any such party structure or external wall;
- (f) a right to pull down any party structure that is not of sufficient strength for any buildings intended to be built, and to rebuild the same of sufficient strength for the above purpose, upon condition of making good all damage occasioned thereby to the

- adjoining premises, or to the internal finishings and decorations thereof;
- (g) a right to cut into any party structure upon condition of making good all damage occasioned to the adjoining premises by such operation;
 - (h) a right to cut away any footing, any chimney breasts, jambs or flues, projecting from any party wall, in order to erect any external wall against such party wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation;
 - (i) a right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of such wall or building overhanging the ground of the building owner, in order to erect an upright wall against the same, on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down;
 - (j) a right to perform any other necessary works incident to the connection of any party structure with the premises adjoining thereto.

Rights of
adjoining
owner.

59. Whenever the building owner proposes to exercise any of the foregoing rights with regard to party structures the adjoining owner may require the building owner to build on any such party structure certain chimney-jambs, breasts or flues, on certain piers or recesses, or any other like works, for the convenience of such adjoining owner; and it shall be the duty of the building owner to comply with such requisition in all cases where the execution of the required works may be conformable to this Act, and will not be injurious to the building owner, or cause him unnecessary inconvenience, or unnecessary delay in the exercise of his right; and any difference that arises between

any building owner and adjoining owner in respect of the execution of such works as aforesaid shall be determined in the manner in which differences between building owners and adjoining owners are hereinafter directed to be determined.

60. The following rules shall be observed with respect to the exercise by building owners and adjoining owners of their respective rights—

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

- (a) no building owner shall, except with consent of the adjoining owner, or in cases where any party structure is dangerous, in which cases the provisions hereby made as to dangerous structures shall apply, exercise any right hereby given in respect of any party structure, unless he has given at least three months' previous notice to the adjoining owner by delivering the same to him personally, or by sending it by post in a registered letter addressed to such owner at his last known place of abode;
- (b) the notice so given shall be in writing or printed, and shall state the nature of the proposed work and the time at which such work is proposed to be commenced;
- (c) no building owner shall exercise any right hereby given to him in such manner or at such time as to cause unnecessary inconvenience to the adjoining owner;
- (d) upon the receipt of such notice the adjoining owner may require the building owner to build, or may himself build, on any such party structure, any works to the construction of which he is herebefore mentioned to be entitled;

- (e) any requisition so made by an adjoining owner shall be in writing or printed, and shall be delivered personally to the building owner within one month after the date of the notice being given by him, or be sent by post in a registered letter addressed to him at his last known place of residence. It shall specify the works required by the adjoining owner for his convenience and shall, if necessary, be accompanied with explanatory plans and drawings;
- (f) if either owner does not, within fourteen days after the delivery to him of any notice or requisition, express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the building owner and adjoining owner;
- (g) in all cases not hereby specially provided for, where a difference arises between a building owner and adjoining owner in respect of any matter arising under this Act, unless both parties concur in the appointment of one surveyor they shall each appoint a surveyor, and the two surveyors so appointed shall select a third surveyor, and such surveyor or three surveyors, or any two of them, shall settle any matter of dispute between such building and adjoining owner, with power by his or their award to determine the right to do, and the time and manner of doing, any work, and generally any other matter arising out of or incidental to such difference; but any time so appointed for doing any work shall not commence until after the expiration of such period of three months as hereinbefore mentioned;

- (h) any award given by such one surveyor, or by such three surveyors, or any two of them, shall be conclusive and shall not be questioned in any Court, with this exception that either of the parties to the difference may appeal therefrom to the Resident Magistrate's Court for Kingston within fourteen days from the date of the delivery of such award as aforesaid, and such Court may, subject as hereinafter mentioned, rescind or modify the award so given in such manner as it thinks just;
- (i) if either party to the difference makes default in appointing a surveyor for ten days after notice has been given to him by the other party in manner aforesaid to make such appointment, the party giving the notice may make the appointment in the place of the party so making default;
- (j) the costs incurred in obtaining any such award as aforesaid shall be paid by such party as such surveyor or three surveyors, or any two of them, may determine. Surveyors in this section shall include master builders.

61. Whenever any building owner has become entitled, in pursuance of this Act, to execute any work, it shall be lawful for him, his servants, agents or workmen, at all usual times of working, to enter on any premises for the purpose of executing and to execute such work, removing any furniture, or doing any other thing that may be necessary, and if such premises are closed, he or they may, accompanied by a constable or other officer of the peace, break open any doors in order to make such entry, and any owner or other person that hinders or obstructs any workmen employed for any of the purposes aforesaid, or wilfully damages or injures the said work, shall incur for every such offence a penalty not exceeding four thousand dollars.

Right of
building
owner to
enter on
premises for
executing
works.

39/1995
S. 3.

Security to
be given by
building
owner if
required.

62. Any adjoining owner may, if he thinks fit, by notice in writing given by himself or his agent, require the building owner, before commencing any work which he may be authorized by this Act to execute, to give such security as may be agreed upon, or in case of difference as may be settled by the Resident Magistrate for Kingston, for the payment of all such costs and compensation in respect of such work as may be payable by such building owner.

Rules as to
expenses in
respect of
party
structures.

63. The following rules shall be observed as to expenses in respect of any party structure, that is to say—

As to expenses to be borne jointly by the building owner and adjoining owner—

- (a) if any party structure is defective or out of repair, the expense of making good or repairing the same shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner makes of such structure;
- (b) if any party structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull down the same, the expense of pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner makes of such structure;
- (c) if any timber or other partition dividing any building or premises is pulled down in exercise of the right hereinbefore vested in a building owner, and a party structure is built instead thereof, the expense of building such party structure, and also of building any additional party structures that may be required by reason of such partition having been pulled down, shall be borne by the building owner and adjoining owner in due

proportion, regard being had to the use that each owner makes of such party structure, and to the thickness rendered necessary to such party structure by the respective buildings parted thereby;

- (d) if any rooms or stories, or any part of rooms or stories, the property of different owners and intermixed in any building, are pulled down in pursuance of the right hereinbefore vested in any building owner, and rebuilt in conformity with this Act, the expense of such pulling down and rebuilding shall be borne by the building owner and adjoining owner in due proportion, regard being had to the use that each owner makes of such rooms or stories.

As to expenses to be borne by building owner—

- (e) if any party structure or external wall built against the same is raised in pursuance of the power vested in any building owner, the expense of raising the same, and making good all such damage, and of carrying up to the requisite height all such flues and chimneys, as are hereinbefore required to be made good and carried up, shall be borne by the building owner;
- (f) if any party structure which is of proper materials and sound, and not so far defective or out of repair as to make it necessary or desirable to pull down the same, is pulled down and rebuilt by the building owner, the expense of pulling down and rebuilding the same, and of making good all such damage as is hereinbefore required to be made good, shall be borne by the building owner;
- (g) if any party structure is cut into by the building owner, the expense of cutting into the same, and of making good any damage hereinbefore required

to be made good shall be borne by such building owner;

- (h) if any footing, chimney breast, jambs or floor, is cut away in pursuance of the powers hereinbefore vested in any building owner, the expense of such cutting away, and of making good any damage hereinbefore required to be made good, shall be borne by the building owner.

Account of expenses to be delivered to adjoining owner within one month.

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

Difference as to expenses, how to be indicated and settled.

65. At any time within one month after the delivery of such account the adjoining owner, if dissatisfied therewith, may declare his dissatisfaction to the party delivering the same, by notice in writing given by himself or his agent, and specifying his objections thereto; and upon such notice having been given a difference shall be deemed to have arisen between the parties, and such difference shall be determined in manner hereinbefore provided for the determination of differences between the building and adjoining owners.

Acceptance of account and payment.

66. If within such period of one month as aforesaid the party receiving such account does not declare in manner as aforesaid his dissatisfaction therewith, he shall be deemed to have accepted the same, and shall pay the same on

demand to the party delivering the account, and if he fails to do so the amount so due may be recovered as a debt.

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

Possession
of party
structure
until pay-
ment of
expenses.

68. Where any building owner has incurred any expenses on the requisition of an adjoining owner, the adjoining owner making such requisition shall be liable for all such expenses, and in default of payment the same may be recovered from him as a debt.

As to
expenses
incurred on
requisition
of adjoining
owner.

69. Where any building owner is by this Part liable to make good any damage he may occasion to the property of the adjoining owner by any works authorized to be executed by him, or to do any other thing upon condition of doing which his right to execute such works is hereby limited to arise, and such building owner fails within a reasonable time to make good such damage, or to do such thing, he shall incur a penalty not exceeding one thousand dollars for each day during which such failure continues.

Penalty on
building
owner failing
to perform
conditions
subject to
which his
right to
execute
works arises.

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PART V. *Miscellaneous Provisions*

70. Where it is hereby declared that expenses are to be borne by the owner of any premises (including in the term "owner" the adjoining and building owner respectively as defined in section 57) the following rules shall be observed with respect to the payment of such expenses—

Rules as to
payment of
expenses by
owner.

- (a) the owner immediately entitled in possession to such premises, or the occupier thereof, shall in the first instance pay such expenses, with this limitation, that no occupier shall be liable to pay any sum exceeding in amount the rent due, or that

[The inclusion of this page is authorized by L.N. 95/1997]

- will thereafter accrue due, from him in respect of such premises during the period of his occupancy;
- (b) if there are more owners than one each owner shall be liable severally, but as between themselves every owner shall be liable to contribute to such expenses in proportion to his interest;
 - (c) if any difference arises as to the amount of contribution, such difference shall be decided by the Resident Magistrate for Kingston;
 - (d) if some of the owners liable to contribution cannot be found, the deficiency so arising shall be divided amongst the parties that can be found;
 - (e) any occupier of premises who has paid any expenses under this Act may deduct the amount so paid from any rent payable by him to any owner of the same premises; and any owner of premises who has paid more than his due proportion of any expenses may deduct the amount so overpaid from any rent that may be payable by him to any other owner of the same premises;
 - (f) if default is made by the owner or occupier in payment of any expenses hereby made payable by him in the first instance, or if default is made by any owner in payment of any other expenses or moneys due from him by way of contribution or otherwise in pursuance of this Act, then such expenses and moneys may be recovered as a debt, in due course of law.

Rules as to
service of
notices,
summonses
and orders.

71. The following rules shall be observed with respect to the giving or service of any notice, summons or order, directed to be given or served under this Act, in cases not hereinbefore provided for—

- (a) a notice, summons or order, may in all cases be served personally;

- (b) a notice, summons or order, may be served on any builder by leaving the same or sending it in a registered letter, addressed to him at his place of address, as stated by him to the Surveyor, or by putting up such notice, summons or order, on a conspicuous part of the building or premises to which the same relates;
- (c) a notice, summons or order, may be served on the owner or occupier of any premises by leaving the same with the occupier of such premises, or with some inmate of his abode, or if there is no occupier by putting up such notice, summons or order, on a conspicuous part of the building or premises to which the same relates; and it shall not be necessary to name the owner or occupier of such premises: nevertheless when the owner of any such premises and his residence, or that of his agent, are known to the party by whom or on whose behalf any notice, summons or order is intended to be served, it shall be the duty of such party to send every such notice, summons or order, by post in a registered letter addressed to the residence or last known residence of such owner or his agent;
- (d) a notice, summons or order, may be served on the Surveyor, or any District or assistant Surveyor appointed under this Act, by leaving the same at the office of the Surveyor.

72. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder or person, in respect of any house, building or other erection, room or place, such owner, builder or person, his servants, workmen and agents, may, after giving seven days' notice in writing to the occupier of such house, building or other erection, room or place, and on production of such notice or order, enter

Power to enter premises in order to comply with notices or orders.

Penalty on
obstruction.

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such house or building, or other erection, room or place, and do all such works, matters and things, therein or thereto, or in connection therewith, as may be necessary; and if any person refuses to admit such owner, builder or person, or his servants, workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding four thousand dollars.

Service of
notices, etc.,
on persons
under
disability.

73. Where in pursuance of this Act any consent is required to be given, any notice to be served, or any other thing to be done, by, on or to, any owner under disability, such consent may be given, such notice may be served, and such thing may be done by, on or to, the following persons on behalf of such persons under disability, that is to say—

by, on, or to, a husband on behalf of his wife;

by, on, or to, a trustee on behalf of his *cestui que* trust;

by, on, or to, a father, guardian or committee, on behalf of an infant, idiot or lunatic.

Power to
Resident
Magistrate
for Kingston
to give
consent and
dispense
with service
of notice in
certain cases.

74. Where any consent is required to be given, or any other thing to be done, by any owner in pursuance of this Act, if there is no owner capable of giving such consent or of doing such thing, and no person empowered by this Act to give such consent or to do such thing on behalf of such owner, or if any owner so capable or person so empowered cannot be found, the Resident Magistrate for Kingston shall have power to give such consent, or to do or cause to be done such thing on behalf of such owner, upon such terms and subject to such conditions as he may think fit, having regard alike to the nature and purpose of the subject matter in respect of which such consent is to be given, and to the fair claims of the parties on whose behalf such consent is to be given, and such Judge shall have power to dispense with the service of any notice which would otherwise be required to be served.

75. Nothing herein contained shall vary or affect any rights or liabilities as between landlord and tenant under any contract between them.

Rights of
landlords
and tenants
not affected.

76. In cases where any building has been erected or work done without due notice being given to the Surveyor, the Surveyor may, at any time within one month after he has discovered that such building has been erected or work done, enter the premises for the purpose of seeing that the regulations of this Act have been complied with; and the time during which the Surveyor may take any proceeding, or do anything authorized or required by this Act to be done by him in respect of such building or work, shall begin to run from the date of his discovering that such building has been erected or work done.

Powers of
Surveyor as
to works
discovered
to have been
done
without
due notice.

77.—(1) The Corporation may from time to time make, alter or revoke, regulations not inconsistent with the provisions of this Act, in relation to all or any of the matters following, that is to say—

Power to
make
regulations.
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- (a) the prohibition or regulation of the erection of piazzas, rooms, verandahs, or other structures intended to project over any part of any roadway;
- (b) the entrances, doors, stairways, external steps, and means of access to and exit from public buildings, already built or hereafter to be built, and the protection of persons frequenting same.

(2) Such regulations may specify a maximum penalty for the contraventions thereof respectively not exceeding ten thousand dollars, or six months imprisonment with or without hard labour for each offence.

(3) With regard to continuing contraventions, each contravention on each day after notice has been served in writing from the Surveyor requiring compliance with the regulation shall be deemed to be a fresh offence.

(4) Such regulations shall be subject to the provisions of section 223 of the Kingston and St. Andrew Corporation Act.

77A. *[Repealed by Act 28 of 1991.]*

As to actions
against
Surveyor
and certain
others acting
in carrying
this Act
into effect.

28/1991
S. 13.

78. In every action or plaint to be brought against the Surveyor, or any District Surveyor, or any deputy or other person appointed to assist or act for the Surveyor, or against any workman, employee or servant, of any such officer or person, for any act or thing done by him in the execution of his office, or in or about the carrying into effect of this Act, it shall be expressly alleged that such act or thing was done maliciously and without any reasonable or probable cause, and if at the trial of any such action or plaint the plaintiff shall fail to prove such allegation he shall be nonsuited, or a verdict shall be given or judgment entered for the defendant; and if it shall appear that such act or thing was done under or by virtue of or in carrying out any order or resolution of the Corporation under this Act, or in any action or plaint against any such workman, employee or servant, as aforesaid, if it shall appear that such Act or thing was done under or by virtue of or in carrying out any order of the Surveyor or of any person acting as deputy or in aid of the Surveyor duly appointed under this Act, then and in either of such cases the verdict shall be given or judgment entered for the defendant.

Powers of
the Resident
Magistrate's
Court for
Kingston.

79. In cases where jurisdiction is hereby given to the Resident Magistrate's Court for Kingston such Court may from time to time make such order in respect of matters so brought before it as it may think fit, with power to settle the time and manner of executing any work, or of doing any other thing, and to put the parties to the case upon such

terms as respects the execution of the work as it thinks fit; it shall also have power to award or refuse costs according to circumstances, and to settle the amount thereof.

80. Proceedings in the Resident Magistrate's Court for Kingston in respect of any matter arising under this Act shall be conducted in the same manner as proceedings are conducted in any case within the ordinary jurisdiction of such Court, or as near thereto as circumstances permit; and orders made by the Resident Magistrate of such Court may be enforced by execution, committal or otherwise, in a manner similar to that in which the orders of such Court are ordinarily enforced.

Proceedings
in and
enforcement
of orders of
Court.

81. If either party in any case over which jurisdiction is hereby given to the Resident Magistrate's Court for Kingston feels aggrieved with the decision of such Court in respect of any point of law, or the admission or rejection of any evidence, he may appeal therefrom in the same manner and upon the same terms in and upon which he might have appealed from the decision of such Court in any case within the ordinary jurisdiction of such Court, or as near thereto as circumstances permit; but no such appeal shall be allowed unless the value of the matter of difference between the parties exceeds ten thousand dollars, and the opinion of the Judge before whom the case is tried as to such value shall be conclusive.

Appeals
from the
Resident
Magistrate's
Court for
Kingston.

39/1995
S. 3.

82. All penalties imposed by this Act or by any regulation made in pursuance of the same, together with the costs of any proceedings in respect thereof shall be recovered in a summary manner; and in default of payment thereof, it shall be lawful for the Court to direct the offender to be imprisoned, with or without hard labour, for a term not exceeding six calendar months, unless any such penalties and costs be sooner paid. Proceedings and prosecutions

Recovery of
penalties.

for the recovery of any of such penalties may be commenced within six calendar months from the time when the offence in respect of which the penalty was incurred shall first come to the knowledge of the Building Authority.

Recovery of
fees, costs
and
expenses.

83. All fees, costs and expenses, in addition to any other remedy by this Act provided, may be sued for and recovered in the Resident Magistrate's Court for Kingston as a debt payable to the person or persons entitled to such fees, costs or expenses respectively.

Proceedings
by Surveyor
and other
persons for
recovery of
fees barred.

84. [*Spent.*]

FIRST SCHEDULE

REGULATIONS

PART I.—General

First
Schedule
Sections
4 (2),
5, 20 and 25,
Part I.

1. No person shall erect any building or structure, or construct any foundation of any building or structure, upon any site which shall have been filled up with any material impregnated with foul matter, or is impregnated with any animal or vegetable matter, or upon which any such matter may have been deposited, unless and until such matter shall have been properly removed by excavation from such site, nor until all holes caused by such excavation shall have been filled up with hard brick, dry inorganic material, concrete, or other suitable material, to be approved of by the Surveyor.

2. Every person who shall be desirous of erecting any building on any land so situated that the surface thereof cannot be made to drain by gravity into an existing public surface drain of the Kingston and St. Andrew Corporation, shall first make to the Building Authority, and deliver to the Clerk of the Building Authority, a written application, accompanied by a plan and section of the lowest floor of such building or buildings, and the curtilage thereof, to a scale not smaller than two feet to one inch, and by a block plan to a scale, not smaller than twenty feet to one inch, showing the position of such building or buildings, the position and course of the drainage system proposed to be adopted for the disposal of sewage and rain water, and its connection (if any) with public sewers or drains, the diameter and inclination of the drain pipes, and the level above the surface of the ground at which it is proposed to construct the lowest floors of the building; and shall obtain permission in writing from the Building Authority to construct such drainage system according to the said plans and sections, with such additions, omissions, or modifications (if any) as the Building Authority shall prescribe; and such person shall construct the same in accordance with the conditions of such permission, and not otherwise.

3. No person shall place the underside of the lowest floor of any building at a less height than two feet above the surface of the underlying ground, unless he shall cause the whole of such surface, which is enclosed by the walls, to be covered with an impervious and solid coating of durable material, laid upon an even and firm bed of broken brick or stone.

4. No person shall place the underside of the lowest floor of any building or structure, at such a level as will render it liable to flooding, or construct any building so that it cannot be efficiently and properly drained to the satisfaction of the Surveyor.

5. Every building shall be enclosed with walls constructed—

[The inclusion of this page is authorized by L.N. 480/1973]

L.N.
65/1957.

- (a) of brick, stone, or cement concrete, or
- (b) of steel frame-work or reinforced concrete frame-work every member of which must be securely, rigidly and durably connected with every contiguous member; the panels between the said frame being filled in with brick, stone, reinforced concrete or hollow concrete block efficiently secured thereto, or
- (c) of reinforced concrete, or
- (d) of timber frame-work, every member of which must be securely, rigidly and durably connected with every contiguous member, the frame-work being filled in with panelling of brick-work, or concrete, or other fire-resisting material, efficiently secured thereto, and the timber being protected so as to be fire-resisting, or
- (e) in any of the materials or methods of construction above described in paragraph (a), (b), or (c) for the lower storey or storeys with upper storey or storeys of any of the said materials or methods of construction, or of the construction above described in paragraph (d), or
- (f) in the case of domestic buildings outside the business area having a cubical content of not more than 125,000 cubic feet, or not within 50 feet of any other building, or of the land of any adjoining owner,
 - (i) of timber frame-work, framed as above described, covered externally with wood, or
 - (ii) in any of the materials or methods of construction described above in paragraph (a), (b), (c), (d), or (e) for the lower storey or storeys, with upper storey or storeys of timber frame-work of either of the above descriptions, or
- (g) in the case of one-storey buildings having walls not exceeding 15 feet in height of hollow concrete blocks,
- (h) of aluminium framing with panels between-designed and constructed in every respect in accordance with the provisions of these regulations.

G.N.
1099/1961.

6. For the purpose of determining the thickness of a wall, the height of such wall should be measured immediately in front of the face of the centre of the wall, 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 wall; or, in the case of a gable, to half the height of the gable.

The height of each storey shall be measured as follows—

- (a) The height of a topmost storey shall be measured from the level of the underside of its floor joists, up to the level of the undersurface of the tie beam or tie plate of the roof or other covering, or if there is no such tie, then up to the level of half the vertical height of the rafters or other support of the roof.

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

A mansard roof shall not be considered to form a storey to a building.

7. The dead loads of all buildings other than buildings constructed of reinforced concrete shall consist of the actual weight of walls, floors, roofs, partitions and all permanent construction, except that in wooden frame buildings, there shall be added to the actual weight of the external walls, a dead load of thirty-five pounds per superficial foot.

The live loads shall consist of all loads, other than dead loads.

The live load on floors shall be computed as follows—

In dwelling-houses, hotels, hospitals, lodging-houses and similar buildings, not less than seventy pounds per superficial foot.

For places of public assembly, workshops, retail shops and similar buildings, not less than one hundred pounds per superficial foot.

For buildings of the warehouse class, not less than two hundred pounds per superficial foot.

The live load on the roof shall be computed as thirty pounds per superficial foot, measured on the surface of such roof.

In ascertaining the extreme load of a building more than two storeys in height, the dead load shall be computed in full. In the roof and top storey the live load shall also be computed in full. In the next succeeding lower storey, a reduction may be made of five per cent from the live load thereof. In the next lower storey, a reduction may be made of ten per cent from the live load thereof. And for each succeeding lower storey, a reduction of five per cent more than for the storey above. Provided, that the total reduction for any storey, shall not amount to more than fifty per cent of its total live load.

8. All parts of a building shall be constructed to take the load on such parts either actual, or herein presumed, with a factor of safety, at least as great, as follows—

In iron or steel work	...	...	Four
In brickwork, masonry, or concrete	...	...	Five
In timber	...	...	Six

The safe pressure upon any member in compression, constructed of iron or steel, the unsupported length of which exceeds ten times its smallest lateral width, shall be computed at a rate not higher than those given in the following table—

Length divided by smallest lateral width	Safe pressure for steel tons per square inch	Safe pressure for iron tons per square inch
10	5.10	3.90
15	4.83	3.72
20	4.45	3.47
25	4.02	3.17
30	3.46	2.82
35	2.96	2.48
40	2.51	2.11

When a pillar is built to the extent of its whole perimeter into a wall, the lateral width of it in the direction of the thickness of the wall, shall be taken for the purposes of the above table.

9. In order to prevent outward thrust on the walls or wall plates, under pressure or vertical movement, all roofs with rafters shall be tied with the beams, tie plates, or collar beams, the number of which shall depend on the span of the roof as under—

When the roof is under 10 feet span, the number shall be not less than one to every third pair of rafters.

When the roof is over 10 feet and not over 15 feet span, the number shall be not less than one to every second pair of rafters.

When the roof is over 15 feet and not over 20 feet span, the number shall be not less than one to every pair of rafters.

The underside of any collar beam shall be in no case higher above the wall plate, than half the vertical height from the wall plate to the ridge.

All roofs over 20 feet span, shall be trussed, of a design approved by the Surveyor, and shall have tie beams into which the rafters shall be framed, unless the Surveyor shall in any case approve of a truss, in which the tie beam may be omitted.

10. With a view to securing buildings as much as possible against the lifting effects of wind pressure, every building and the component parts of such building, shall be tied together by ties acting effectively in a vertical direction; that is to say, all parts of the roof or roofs shall be securely nailed, screwed, spiked, or bolted together as the case may require; the roof or roofs shall be effectively held down to the walls, columns, or posts; the walls shall, if of frame work be continuously tied vertically from the uppermost wall plates to the sills, and the sills, columns and posts shall be anchored down to the foundations. The system of tying adopted, and all ties, shall be of a design approved of by the Surveyor.

11. With a view to securing buildings as much as possible against the racking effects of earthquakes, due to severe horizontal vibrations and oscillations attending them, the horizontal strength and stiffness of the floors and roofs and the vertical strength and stiffness of the partitions or cross walls is to be brought in assistance of the walls, the latter, if outer walls, being tied to the joists, beams, or slabs of the floors, and to the framing or the body of the partitions, and, in case of there being cross walls in any building, the floors and the partitions on either side of such cross walls, being effectively tied through such cross walls to each other, thus in the first case holding the outer walls against overthrow in position against the edge of the floors and partitions, and in the second case holding the cross walls in position between the opposite floors abutting on them, and creating through horizontal ties between the outer walls. The tops of the walls shall be similarly secured by being held in position by holding-down bolts or other ties, connecting the roof system to them. The system of tying adopted and all ties, shall be of a design approved of by the Surveyor.

12. Every wall, pier, column or buttress shall be built on a foundation of lime or cement concrete, of such extreme width as the Surveyor may require; provided, that that width shall in every case be such that the super-imposed load on the soil, shall not exceed one and a half tons per superficial foot. When such load will exceed three-quarters of a ton per superficial foot the foundation shall consist of cement concrete. No lime concrete shall be used in any foundation below the level to which water rises naturally in the foundation pit.

The underside of the concrete foundation shall be laid at a depth below the underside of the super-imposed wall, of not less than two-thirds of the thickness of such wall at the base thereof, nor in any case less than nine inches deep.

The width of the foundation shall be reduced from below upwards, by even steps or batter, in either case at an inclination with the horizontal, not flatter than two and a quarter inches vertical, to three inches horizontal, to a width not less than that of the imposed wall.

All foundations shall be built to the satisfaction of the Surveyor, who shall have power to require that piling, or such other work as he may direct, shall be executed before the concrete foundation is commenced.

Compliance with this regulation may be dispensed with by the Surveyor, in the case of old foundations; provided, that in no case shall the super-imposed load on the foundation exceed one and one-half tons per superficial foot.

13. The under-pinning of walls, and chimneys shall be built with cement concrete to the full thickness of the old wall or work, and with proper footings, or to an additional thickness, if the increased height

of the wall so requires, and shall be executed to the satisfaction of the Surveyor.

14. All sand used in mortar, concrete or plaster, shall be of a description approved of by the Surveyor, and only fresh water shall be used in mixing mortar, concrete, or plaster. Sea sand may be used, if washed free of salt.

Every brick or stone used in the construction of a wall or panel of brick or stone nogging shall, previous to being laid, be thoroughly soaked (not wetted only) in fresh water and be laid soaking wet.

All concrete shall be mixed on an artificial platform, not on the earth, and in a method satisfactory to the Surveyor.

The size of the broken stone or brick used for making concrete shall depend on the thickness of the wall or other construction in which the concrete is to be used, and shall be as follows—

In walls or construction (other than pavements)—

From 6 inches to 8 inches thick, of a size which will pass through
a ring $1\frac{1}{4}$ inch internal diameter.

From 8 " 12 " of a size which will pass through
a ring $1\frac{1}{2}$ inch internal diameter.

Over 12 inches thick, of a size which will pass through a ring
2 inches internal diameter.

15. Every person who shall erect a new building, shall cause every brick or stone wall of such building, the height of which is intended to be more than four feet out of the ground, to have a proper damp course of asphalt three-eighths of an inch deep, or of cement mortar (composed of one part of Portland cement to two parts of sand) three-eighths of an inch deep, throughout the whole thickness of the wall beneath the level of the lowest timbers, and at a height of twelve inches above the surface of the ground adjoining such wall. Such surface to be the surface when the building is completed.

16. A wall shall not be thickened, except after notice served on the Surveyor of the intention to thicken, and the thickening shall be executed with cement concrete, or brick or stone work in cement mortar, properly bonded to the old work, to the satisfaction of the Surveyor.

17. When a partition acts or is intended to act as a trussed girder carrying any floor, roof, or other load, no person shall halve, cut into, or in any way injure any member of the truss whatever.

18. Recesses and openings may be made in external walls provided—

- (a) That the backs of such recesses are of not less thickness than eight and a half inches.
- (b) That the area of such recesses and openings in any wall above the ground storey do not, taken together, exceed one-half of the whole area of the wall in which they are made.
- (c) In the case of shop fronts, openings may be made in external walls, to a greater extent than one-half of the whole area of the wall, but in every such case these shall be constructed to the satisfaction of the Surveyor, so that
 - (1) Sufficient piers of brickwork or other sufficient supports of fire-resisting material, shall be so disposed as to carry the superstructure; and
 - (2) A sufficient pier or piers, or other sufficient supports of that description, are erected at the corners or angles of any street on which the building abuts;
 - (3) Such a pier or other support is erected in each wall within three feet of the corner or angle of the street.

19. Recesses may be made in party walls provided—

- (a) That the backs of such recesses are not of less thickness than that of the walls in which such recesses are made; and
- (b) That over every recess so formed, a straight lintel of reinforced concrete, or rolled joist, effectively protected from fire by earthenware, or an arch of at least two rings of brickwork of the full depth of the recess, are turned on every storey, except in case of recesses formed for lifts, but where such recess does not exceed five inches in depth, corbelling in brick or stone may be substituted for the arching; and
- (c) That the areas of such recesses do not, taken together, exceed one-half of the whole area of the wall of the storey in which they are made; and
- (d) That such recesses do not come within thirteen and a half inches of the inner face of the external walls.

An opening shall not be made in any party wall, except in accordance with the provisions of this Act in relation thereto: Provided, that it shall be lawful for the Building Authority, by resolution of which six days' notice shall have been given, to give consent to any modification or relaxation of the requirements of the section with respect to the area of openings, in any special cases where they may think proper. The word "area" as used in this regulation shall mean the area of the vertical face or elevation of the wall or recess to which it refers.

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S. 14.

20. (1) Every bressumer, whether of wood, reinforced concrete, or metal, shall have a bearing at each end in the direction of its length, at least to the extent in inches, of three-fourths of its clear span in feet, upon a sufficient pier of brick or stone or upon a timber, reinforced concrete, or iron storey post, fixed on a solid foundation, in addition to its bearing upon any party wall or external wall; and the Surveyor shall have power, in his discretion, to require that every bressumer shall have such other storey posts, columns, stanchions, or piers of brick or stone or corbels, as may be sufficient to carry the superstructure; and the ends of such bressumer, if of wood, shall not be placed nearer to the centre line of the party walls, than four and a half inches; provided, that no bressumer shall have a less bearing than four inches, nor be required to have a greater bearing than fifteen inches.
- (2) At each end of every metallic bressumer, a space shall be left equal to one-eighth of an inch for every ten feet, and also for every fractional part of ten feet of the length of such bressumer, to allow for expansion.
- (3) No bond-timber or wood-plate shall be built into any party wall.
- (4) Every bressumer bearing upon a party wall, shall be borne by a template or corbel of stone, concrete, or iron, tailed throughout at least half the thickness of the wall, and of the full breadth of the bressumer.
- (5) The end of any timber, not permitted to be placed in or to have a bearing on a party wall, may be carried on a corbel or template of stone, concrete, or iron, or vitrified stoneware, tailed into wall to a distance of at least eight and a half inches, or otherwise supported to the satisfaction of the Surveyor.

21. If any gutter, any part of which is not formed of fire-resisting materials, adjoin an external wall, such wall shall be carried up in fire-resisting material, so as to form a parapet, fifteen inches at least above the highest part of the gutter, and the thickness of the parapet so carried up, shall be at least eight and a half inches throughout.

22. Every party wall shall be carried up in fire-resisting material, to form a parapet of a thickness of at least eight and a half inches above the roof flat or gutter of the highest building adjoining thereto, to such a height as will give a distance of fifteen inches, measured at right angles to the slope of the roof.

23. No chase shall be made in a party wall.

24. (1) The flat gutter and roof of every building, and every turret, dormer, lantern-light, skylight, or other erection placed on the flat or roof thereof, shall be externally covered with slates, tiles, metal, or other fire-resisting material, except wooden cornices and barge boards not exceeding twelve inches in depth, and the doors, door-frames, windows and window-frames of such dormers, turrets, lantern-lights, skylights, or other erections. (See sub-section (2) of section 4)
- (2) Every building exceeding thirty feet in height used wholly or in part as a dwelling-house or factory, and having a parapet shall be provided either—
- (a) with a dormer window or a door opening on to the roof, or
 - (b) with a trap door furnished with a fixed or hinged step ladder leading to the roof.
- (3) The plane of the surface of the roof of a building of the warehouse class, shall not incline from the external or party walls upwards, at a greater angle than thirty-five degrees with the horizon.
- (4) The plane of the surface of the roof of any other building, shall not incline from the external or party walls upwards, at a greater angle than fifty degrees with the horizon:
- Provided, that this and the previous subsection shall not apply to mansard roofs, towers, turrets, or spires.
25. (1) A lintel of reinforced concrete, iron, or steel of sufficient strength shall be built over the opening of every chimney to support the breast thereof.
- (2) The jambs of every fireplace opening, shall be at least eight and a half inches wide, on each side of the opening thereof.
- (3) The breast of every chimney and the brickwork or concrete surrounding every smoke flue, shall be at least four inches in thickness.
- (4) Every chimney shaft or smoke flue shall be carried up in fire-resisting material, to a height of not less than five feet above the roof-flat or gutter adjoining thereto, measured at the highest point in the line of junction with such roof-flat, or gutter, or one foot above the ridge of the roof, whichever shall be higher.
- (5) The brick or cement concrete work of any chimney-shaft, except that of the furnace of any steam engine, foundry, brewery, distillery, or manufactory, shall not be built higher above the roof-flat or gutter adjoining thereto, than to a height equal to six times the least width of such chimney

shaft, at the level of the highest point in the line of junction, unless such chimney shaft is built with and bonded to another shaft, not in the same line with the first, or otherwise rendered secure.

- (6) The chimney breast or shaft built with or in any party wall, shall not be cut away, unless the Surveyor certifies that it can be done without injuriously affecting the stability of any building.
 - (7) A chimney shaft, jamb, breast, or flue, shall not be cut into except for the purpose of repair, or doing some one or more of the following things—
 - (a) Letting in or renewing or altering flues, pipes, or funnels for the conveyance of smoke, hot-air, or steam.
 - (b) Forming openings for soot doors, such openings to be fitted with a close iron door and frame.
 - (8) Timber or woodwork shall not be placed—
 - (a) In any wall or chimney breast nearer than twelve inches from the inside of any flue or chimney opening.
 - (b) Within two inches from the face of the brickwork or cement concrete work, about any chimney or flue, where the substance of such brickwork or cement concrete work is less than four inches thick, unless the face of such brickwork or cement concrete work is rendered.
 - (9) Wooden plugs shall not be driven nearer than four inches to the inside of any flue or chimney opening, nor any iron hold-fast or other iron fastening, nearer than two inches thereto.
 - (10) The oversailing course or cap of a chimney, shall not project more than one-and-a-half inches beyond the outer face of the shaft.
26. (1) The floor under every fire-place, oven, copper, steam boiler, furnace, forge, or stove, which is not heated by gas, and the floor around the same, shall, for a space of three feet, be formed of earth or of materials of a fire-resisting and non-conducting nature, not less than six inches thick.
- (2) A pipe for conveying smoke or other production of combustion, heated air, steam, or hot water, shall not be fixed against any building, on the face adjoining to any street or public way.
 - (3) A pipe for conveying smoke, heated air, steam, or other productions of combustion, shall not be fixed nearer than four inches from any non-fire-resisting materials; and, in case any such pipe is made to pass through any wall or roof

of non-fire-resisting material, it shall be kept in a central position in the opening made for it in such material, by means of rigid distance pieces, or by a plate of metal, in each case secured to such material.

- (4) A pipe for conveying hot water shall not be placed nearer than three inches from any non-fire-resisting material:
Provided, that the restrictions imposed by this regulation with respect to the distance at which pipes for conveying hot water or steam may be placed from any non-fire-resisting materials, shall not apply in the case of pipes for conveying hot water or steam at low pressure.

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

27. (1) (a) Every habitable room, except rooms wholly or partly in the roof, shall be in every part, at least eight feet in height from the floor to the ceiling.
- (b) Every habitable room, wholly or partly in the roof of any building, shall be at least eight feet in height from the floor to the ceiling throughout not less than two-thirds the area of such room, and shall not be at any part of such room, less than five feet in height.
- (c) Every habitable room shall have one or more windows opening directly into the external air, or into a piazza or verandah, with a total superficies clear of the sash frames, free from any obstructions to the light, equal to at least one-tenth of the floor area of the room, and so constructed that a portion, equal to at least one-twentieth of such floor area, can be opened, and the opening in each case shall extend to at least seven feet above the floor level; but a room having no external wall, or a room constructed wholly or partially in the roof, may be lighted through the roof by a dormer window, with a total superficies clear of the sash frame free from any obstruction to the light, equal to at least one-tenth of the floor area of the room, and so constructed that one-half at least of every such window may be opened, and so that the opening may extend, in every case, to the top of the window.
- (d) In a building being a dwelling-house, the ground floor having a wooden floor other than a floor constructed of solid wood bedded on concrete, shall have a sufficient space between the ground and the floor surface, to admit of efficient through ventilation from outside to outside, and shall be so ventilated.
- (2) If any person knowingly suffer any room, constructed after the commencement of this Act, that is not constructed in conformity with this regulation, to be inhabited, he shall, in

addition to any other liabilities to which he may be subject, be liable to a penalty of four dollars for every day during which such room is inhabited.

28. The following provisions shall apply to projections from buildings—

(See sub-section (2) of section 4)

- (1) Every coping, cornice, string course, fascia, window dressing, portico, porch, balcony, verandah, balustrade, outside landing, outside stairs and outside steps and architectural projection, or decoration whatsoever, and also the eaves barge-boards and cornices in any overhanging roof (except the cornices and dressings to the window front of shops) shall be of fire-resisting material.

(See sub-section (2) of section 4)

- (2) Any verandah attached to a domestic building, but not projecting over any public way may be of timber framework; provided, the floor and roof covering be made of fire-resisting materials, and the timber frame covered and kept covered with fire-resisting paint, or other fire-resisting composition or material.
- (3) No cornice, other than one of wood, is to project more than the thickness of the wall from which it projects, and any such cornice projecting to more than half such extent, is to extend as a header, throughout the whole thickness of the wall; and if of brick or cement concrete, is to be reinforced near the upper surface, by iron or steel bands, laid transversely to the wall, to design approved of by the Surveyor.
- (4) No brick, stone, or concrete parapet, or other free or laterally unsupported top of any wall of a building, or any portion of such parapet or top, shall extend to a greater height than one foot above the height required by this Act, or to a greater height than two feet above the bed of the gutters, or the outside surface slope of the adjoining roof, measured at right angles thereto, and in any case in which it exceeds a greater height than fifteen inches above such bed or outside surface slope, it shall be strengthened by a vertical reinforcement of iron or steel bars and shall have a belt of reinforced concrete at the top, of designs approved of by the Surveyor.
- (5) In a street of a width not greater than thirty feet, any shop front may project beyond the external wall of the building to which it belongs, to any extent not exceeding five inches, and any cornice of any such shop front may project to any extent not exceeding thirteen inches; and in any street of a width greater than thirty feet, any shop front may project to any extent not exceeding ten inches, and any cornice of any such shop front may project to any extent not exceeding eighteen inches beyond the external wall of the building to which it belongs, over the ground of the owner to the building,

provided, that this provision shall not authorize in any such street, the projection of any part of any such shop front, other than the cornice, over the public way or any land to be given up to the public way.

- (6) No part of the woodwork of any shop front shall be fixed nearer than four inches from the centre of the party wall, where the adjoining premises are separated by a party wall, or nearer than four inches from the face of the wall of the adjoining premises, where the adjoining premises have a separate wall, unless a pier or corbel of stone, brick, or other fire-resisting material, four inches wide at the least, be placed as high as such a woodwork, and projecting throughout an inch at the least in front thereof, between such woodwork and the centre of the party wall, or the separate wall, as the case may be.
- (7) The roof-flat or gutter of every building and every balcony, verandah, shop front, or other similar projection, or projecting window, shall be so arranged and constructed and supplied with gutters and pipes, as to prevent the water therefrom from dropping upon or running over any public way, and shall be so arranged and constructed as to convey the water into the water-table in front of such building, in such manner as shall be approved by the Surveyor.

29. Every single arch shall have its abutments, and every end arch in every row of arches shall have its abutment, of such width as shall be approved by the Surveyor; but in no case less than half of the span of the arch or of the adjacent arch thrusting thereon.

- 30. (1) Every building shall be separated either by an external wall, or by a party wall, or other proper party structure from the adjoining building (if any), and from each of the adjoining buildings (if more than one).
- (2) In every building exceeding twelve hundred square feet in area, used in part for purposes of trade or manufacture, and in any part as a dwelling-house, the part used for the purpose of trade or manufacture shall be separated from the part used as a dwelling-house, by walls and floors constructed of fire-resisting materials, and all passages, staircases and other means of approach to the part used as a dwelling-house, shall be constructed throughout of fire-resisting materials. The part used for purposes of trade or manufacture shall be subject to the provisions of this Act, relating to buildings of the warehouse class:

(See sub-section (2) of section 4)

Provided, that there may be constructed in the walls of such staircases and passages, such doorways as are necessary for communicating between the different parts of the build-

ing, and there may be formed in any walls of such building openings fitted with fire-resisting doors.

(See sub-
section (2)
of section 4)

- (3) In every building exceeding twenty-five hundred square feet in area, containing separate sets of chambers or offices or rooms, tenanted or constructed or adapted to be tenanted by different persons, the floors and principal staircases shall be of fire-resisting materials.
 - (4) Except as in this regulation provided, no building of the warehouse class shall have a cubical content of more than one hundred and fifty thousand cubic feet, unless divided by partition walls in such manner that no division thereof extend to more than one hundred and fifty thousand cubic feet.
 - (5) No addition shall be made to any building of the warehouse class, or to any division thereof, so that the cubical content of any such building or division shall exceed one hundred and fifty thousand cubic feet.
31. (1) Buildings shall not be united except, where they are wholly in one occupation, or are constructed or adapted so to be.
- (2) Buildings shall not be united, if when so united and considered as one building only, they would not be in conformity with this Act.
- (3) An opening shall not be made in any party wall or in two external walls dividing buildings, which, if taken together would have a cubical content of more than one hundred and twenty-five thousand cubic feet, except under the following conditions—
- (a) Such opening shall not exceed in width seven feet or in height eight feet, and such opening or openings taken together, shall not exceed one-half the length of such party wall or of the external wall, on each floor of the building in which they occur.
 - (b) Such opening shall have the floor jambs and head formed of concrete, brick, stone, or iron, and be closed by two wrought iron doors, each one at least one-sixteenth of an inch thick in the panel, at a distance from each other of the full thickness of the wall, fitted to rebated frames without woodwork of any kind, or such other fire-resisting doors and as the Surveyor shall approve. Such doors shall be hinged and not sliding.
 - (c) If the thickness of the wall be not less than twenty-four inches, or the door be placed at a distance from each other of not less than twenty-four inches, such opening may be nine feet six inches in height.

- (4) Whenever any buildings which have been united cease to be in one occupation, all the openings made for the purpose of uniting the same in any party wall between the buildings or in any external wall, shall be stopped with concrete, brick, or stonework, of the same thickness material and construction and properly bonded with such wall, and any timber not in conformity with this Act placed in the wall shall be removed.
- (5) Whenever any buildings which have been united ceased to be in one occupation, the owner thereof shall forthwith give notice to the Surveyor, and shall cause any openings made in the party wall to be stopped up and bonded as aforesaid.

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

- (a) Every staircase for the use of the public shall be supported and enclosed by brick or concrete walls, not less than nine inches thick. The treads of each flight of stairs shall be of uniform width.
- (b) No staircase, internal corridor, or passage-way for the use of the public, shall be less than four feet six inches wide: Provided, that where not more than two hundred persons are to be accommodated in such church, chapel, meeting-house, hall, lecture room, exhibition room, or place of assembly, such staircase, internal corridor, or passage-way may be of the width of three feet six inches.
- (c) Every staircase, corridor or passage-way for the use of the public and which communicates with any portion of the building intended for the accommodation of a larger number of the public than four hundred, shall be increased in width by six inches for every additional one hundred persons, until a maximum width of nine feet be obtained: Provided always, that in every case where the staircases are six feet wide and upwards, they shall be divided by a hand rail: Provided also, that in lieu of a single staircase, corridor, or passage-way, of the width prescribed in this paragraph, it shall be lawful to substitute two staircases, corridors, or passage-ways, each being of a width at least equal to two-thirds of the width prescribed in this paragraph for the single staircase, corridor, or passage-way; but so that neither of such two substituted corridors, staircases, or passage-ways shall be less than three feet six inches wide.

- (d) In all cases where a portion of the public is to be accommodated over or at a higher level than others of the public, a separate means of exit of the width above prescribed for staircases, internal corridors, or passage-ways, and communicating directly with the street or open space, shall be provided from each floor or level.
- (e) All doors and barriers shall be made to open outward and no outside locks and bolts are to be affixed thereto.

33. Latrines, where permitted, shall be either pits or earth closets. Pits shall be dug not less than five feet deep. Pits shall be lined with brickwork nine inches thick laid without mortar up to the height of four feet, the remaining portion of the height shall be laid in cement mortar. Such brickwork shall be carried up to a height of not less than 12 inches above the ground level. Where water is reached at less than five feet from the surface, pits shall not be allowed, but instead thereof the latrine shall consist of an earth closet, to be constructed as approved by the Surveyor.

34. No building shall be erected so that any external wall of such building shall be within a distance of four feet from any building or from any wall or fence used or constructed to be used for the separation of adjoining buildings or adjoining lands the property of different owners, unless such building shall adjoin such other building so that no space be left between them, or unless the external wall of such building shall be a party wall, or a party fence wall.

For the purposes of this regulation, the expression "party fence wall" shall include a wall used as a separation of adjoining lands of different owners, the footings of which do or do not project into the land of another owner.

35. All timber used in the framework of the walls, roofs and floors of buildings shall be of Jamaica hardwood, pitch pine, or other wood of a description approved by the Surveyor.

36. All materials and workmanship shall be of the best quality reasonably obtainable, and shall be approved of by the Surveyor.

PART II

Brick, Stone, or Cement Concrete Walls

In this Part the term "wall" shall include any part of a wall, and also any pier, column, buttress, or partition.

37. Every wall constructed of brick or stone (other than a foundation wall or pillar not more than four feet high above ground intended for a timber framed building or as a bench wall) shall be built in horizontal courses, laid and bonded in workmanlike manner, and solidly

put together with Portland cement mortar, composed of one part of Portland cement to not more than four parts of clean sharp sand, and be strengthened by hoop or band iron, made continuous and not less than one inch wide and one-twentieth of an inch thick, laid in courses not exceeding one foot apart vertically, and in the proportion of two bands for each eight-and-a-half inches width of wall, and one for any less additional width. The outside bands in any wall shall be placed not more than a quarter of its thickness from the adjacent edge of it, and all bands shall be entirely encased and embedded in the mortar of the horizontal joints. Joints in any band, whether in a continuous wall or at any junction with any return wall, cross wall, or buttress, shall be made by folding the ends over and hooking the folds together.

38. Walls of cement concrete shall be composed of Portland cement, clean sand and clean broken brick or stone, in the proportion of one of cement to not more than four of sand and eight of broken brick or stone, and shall be strengthened by steel or iron bars, to an extent equivalent in respect to weight and disposition of metal to that specified above.

39. Every person who shall erect a brick, stone, or cement concrete wall, shall build in such wall stiffening courses of concrete, mixed in the proportion of one part of Portland cement, three parts of sand and six parts of broken brick or stone, not less than nine inches deep, reinforced throughout the whole thickness and length of such wall with iron or steel bars, not less than three-eighths of an inch square, and not less in number than one such bar for each twenty square inches, or part thereof of the cross sectional area of the course. Such reinforcing bars shall be placed at a distance from the edge of the course of concrete not more than one-quarter of the thickness of the course.

Such courses of concrete shall not be more than fifteen feet apart; one such course shall be at the level of or immediately below the beams or joists supporting each floor, and one immediately below the wall plate or the foot of the rafters or tie-beams, and where there shall be a greater interval than fifteen feet, an intermediate course shall be provided.

40. The end of every iron or steel bar used either under regulation 38 or 39, shall be either hooked or cranked and lapped for a distance of nine inches, with every other, such bar which shall meet the same in the course of its length, so as to practically constitute one continuous bar along the entire length of the wall in which it is placed, notwithstanding the junction of same with any cross wall, return wall, or buttress. The iron or steel bars in all such cross walls, return walls or buttress shall be hooked into the iron or steel bars in the adjoining wall.

If any iron or steel bar shall end at any opening in the wall it shall be cranked at such end, or at the nearest vertical joint thereto.

41. The thickness of external walls shall in all cases be approximately a multiple of four-and-a-half inches, and the projection of any buttress or pier beyond any wall, shall at all points be approximately four-and-a-half inches, or a multiple thereof.

When the horizontal length of the wall, between two return walls, cross walls, buttresses, or piers, does not exceed twenty feet; such buttresses or piers having in each case at all points a horizontal projection or accumulated projections not less than fifty *per centum* of the prescribed thickness of the wall at the same course, and a breadth of not less than twice that prescribed projection, then—

- (a) if the height of no storey of the building exceed fourteen feet, the thickness of the uppermost portion of the wall, for a height not exceeding ten feet, and not extending below the underside of the floor joists of the top storey, shall be not less than eight-and-a-half inches. For the next storey below, the thickness of the wall shall be not less than thirteen inches; and the thickness of the wall shall be increased not less than four-and-a-half inches, throughout each successive lower storey;
- (b) if any storey of a building exceed fourteen feet in height, then the thickness of the walls of that storey shall be nowhere less than eight-and-a-half inches in excess of the minimum thickness prescribed above, for the walls of the storey next above, nor in any case less than thirteen inches.

When the horizontal length of the wall as above mentioned, does exceed twenty feet, the minimum thickness as above specified shall be increased by such proportion, not being less than one-fourth nor more than one-half, as shall be prescribed by the Surveyor:

Provided always, that no wall built of brick, stone, cement concrete or other similar substance, shall be permitted, if it will at any time, or at any part, be required to sustain a greater vertical load than six tons per square foot.

The thickness of every wall built of bricks, or blocks of stone, not laid in horizontal beds or courses, shall be one-third greater than the thickness hereinbefore prescribed.

42. All window and door-sills and lintels shall be of cement concrete, and pass through the entire thickness of the wall. Every lintel shall have a depth of not less than one-sixth of the opening below it, and shall overlap that opening at each side by not less than one-sixteenth part of the opening: Provided, however, that no greater length of overlap than four inches shall be permitted in any case. The concrete of every such lintel shall be reinforced by steel or iron bars, in such a manner that, assuming it to be a girder having a depth of one-sixth of the span, it can support the greatest load imposed on it, with a factor of safety not less than five.

43. No structure built under this part of this Schedule shall exceed forty feet in height.

PART III

Steel Framed and Reinforced Concrete Framed Buildings

L.N.
65/1957.

44. The skeleton framing of every framed building shall be of wrought iron or mild steel, and shall be of sufficient strength and stability to sustain, unaided by other material, the whole weight of the walling and the live and dead loads of the floors and roofs bearing thereon, and also all the strains that it will be subjected to by a horizontal wind pressure of twenty-five pounds per square foot from any direction. The pillars supporting all iron or steel girders that carry walls, or fire-resisting floors, or roofs shall be completely enclosed by a casing of brickwork, concrete, or other fire-resisting material at least four inches thick. The girders, excepting in roofs and staircases, shall be similarly protected, but the flanges of girders and the places and angles connected therewith may approach within two inches of the surface of such casing.

45. The panels between or upon the framing may be of brick, stone, or reinforced concrete constructed according to the requirements contained in Part II (except that the requirements of regulation 39 may be dispensed with) or according to the requirements of any regulation that may be made pursuant to the powers contained in Part IV or of *hollow concrete blocks*. External panel walls shall provide adequate strength and durability together with an adequate grade of fire resistance and shall be of a thickness not less than the following:

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If of brick or squared stones laid in horizontal beds, not less than eight and a half inches thick. If of reinforced concrete, six inches thick. If of hollow concrete blocks, eight inches thick.

46. Pillars, or stanchions of the framing shall not except with the permission of the Surveyor, be spaced at a greater distance than ten feet apart nor shall any girder be placed higher than ten feet above the one next below it. If pillars, stanchions, or girders are placed more than ten feet apart, the panelling between the same shall be of a thickness in brick or stone not less than one-fourteenth of such distance, and if in reinforced concrete or hollow concrete blocks, not less than one-twentieth of such distance. Panel walls constructed of hollow concrete blocks shall be properly reinforced with steel as specified herein, and the reinforcement shall be adequately anchored to the structural framing on all four sides. All hollows shall be completely filled with grout not weaker than one part Portland cement to four parts clean sand.

L.N.
65/1957.

The clear horizontal span of any such panel between vertical supports shall not exceed fifteen feet and its clear overall area shall not exceed one hundred and fifty square feet.

Hollow block panel walls shall be reinforced with both vertical and horizontal mild steel reinforcing bars as follows—

Thickness	Vertical Bars	Horizontal Bars
8"	$\frac{1}{2}$ " dia. 16" o/c	Two $\frac{1}{4}$ " dia. 16" o/c
6"	$\frac{3}{8}$ " dia. 16" o/c	Two $\frac{1}{4}$ " dia. 16" o/c
4"	$\frac{3}{8}$ " dia. 16" o/c	$\frac{1}{4}$ " dia. 16" o/c

47. Internal panel walls shall be not less than two-thirds of the thickness required for external walls, and in no case less than four inches.

48. No pillar in any main framing, or floor supports, shall be in any part less than one-quarter of an inch thick, nor shall any such pillar have an unsupported length of more than forty times its least lateral dimension, and every pillar shall be faced to a true surface at right angles to its axis.

All joints in pillars shall be close butted with cover plates properly riveted, and no joint shall be made except at the level of a girder. The foot of every pillar shall have a base plate riveted thereto with sufficient gusset pieces to properly distribute the load on the foundation.

Where pillars are hollow, the cavities shall either be filled up with cement concrete, or be covered in at both ends sufficiently to exclude the air.

49. No cast iron shall be used for structural purposes in any part of any building.

50. All girders supporting external walls shall be not more than four feet below the floor line of each storey.

51. All floors and staircases, together with their supports, shall be constructed of fire-resisting materials.

52. All structural metal work shall be cleaned of all scale, dust and dirt before the same is encased as required by regulation 44.

53. In addition to the foregoing regulations, and the general regulations herein contained, all skeleton frame buildings shall, as regards the metal framing, bracing, walls, partitions, floors, roofs, staircases and foundations, be constructed in such a manner as may be approved of by the Surveyor.

54. The person proposing to erect an iron or steel-framed building, shall deposit with the Surveyor such plans and working drawings, as the Surveyor shall determine.

[The inclusion of this page is authorized by L.N. 480/1973]

55. The Surveyor may, with the consent of the Chief Technical Director, waive the application of any of the regulations under this Part, in any case in which it shall be satisfactorily shown that any building the order for which has been placed prior to the 29th day of July, 1907, will, notwithstanding the failure to comply with all of the said regulations, be of the strength and stability required.

PART IV

Reinforced Concrete Buildings

56. The Building Authority may from time to time, subject to the approval of the Minister, make, repeal, or alter special or general regulations, as to the construction of buildings, or any part thereof in reinforced concrete.

PART V

Timber-Framed Buildings

57. All sills, bearers, or girders of buildings intended for residences, places of business, or for purposes other than out-houses, kitchens, stables, coach-houses, bathrooms, latrines, or water-closets shall, if supported on walls of brick, concrete, or stonework, be bedded on a layer of Portland cement mortar, not less than three-eighths of an inch thick, mixed not weaker than one of cement to two of sand, laid on top of the supports, and extending the whole width of the sill.

58. The joints between the vertical and horizontal members of the framework of the walls of any building of which the sills are required to be bedded in cement mortar, shall be securely put and held together with mortice and tenon joints, or any sill or wall plate may be checked into and securely bolted to the uprights, as may be approved by the Surveyor. The braces in the framework of the walls of such buildings shall be of ample size and number, to withstand the strain brought on to them by a wind pressure of 20 lbs. per square foot, acting on the face of the building opposed to them.

59. The upper sills and wall plates at the outer angles of all such buildings, shall be sufficiently tied with iron straps bolted to the timber to the approval of the Surveyor.

60. When such a timber-framed building has the panels between the framing filled in with brick nogging (which may be laid either in lime or cement mortar), concrete, or any other filling material, arrangements shall be made, either by covering the face of the panelling by wire netting by wires strained through the uprights, by cross or longitudinal cleats securely fixed to the uprights, or other device approved by the Surveyor, to prevent the panels from falling or being displaced by vibration of the building.

PART VI

Buildings of Hollow Concrete Blocks

61. Hollow Concrete Blocks (hereinafter referred to as Blocks) shall be—

- (a) made by the wet process method by a block making machine which produces two units at each operation under a pressure of 40 tons;
- (b) made of Portland cement and suitable aggregate in such proportion as to develop at the end of 28 days an ultimate crushing strength per square inch of gross area of not less than 750 pounds when tested with the cells placed vertically and 300 pounds when tested with the cells placed horizontally;
- (c) cured under cover for 24 hours after being made and then removed to the open and kept from drying for seven days by being repeatedly sprayed;
- (d) subjected to such tests as the Surveyor may require for ascertaining the ultimate crushing strength.

L.N.
26/1955.

62. *Foundation*—The foundation shall be of cement concrete composed of one part Portland cement, three parts clean sand and six parts broken stone of 1" x 1½" diameter.

The foundation shall be not less than 1' 4" wide x 9" deep and shall be reinforced with two ½" diameter mild steel bars with ¼" links, spaced at 12" on centres.

The steel reinforcement shall be placed 2" above the bottom of the foundation.

All reinforcing bars for block walls shall be embedded in the foundation for a minimum distance of 15" which shall include the crank and shall extend above the foundation to a height of at least 16".

Where reinforcing bars for the block walls are spliced the lap shall not be less than 15".

Where the unsupported height of walls from ground level to the underside of the ground floor exceeds 4' the walls shall be reinforced with an additional ½" bar in the block tied into the foundation as previously specified. In no case shall the centres of bars in the walls below ground floor level then exceed 9". These additional bars shall terminate at ground floor level.

63. *Walls*—External walls shall be not less than 6 inches wide and internal walls not less than 4 inches exclusive of plaster and shall be reinforced vertically with ½ inch steel rods spaced one in each block properly imbedded in floor beam and belt course, the hole in the block in which the rod is placed to be filled with Portland cement concrete.

All walls shall be capped by a belt course. All joints shall be $\frac{1}{4}$ of an inch in thickness of 1—2 mix of Portland cement mortar.

64. *Belt Courses*—Shall be of cement concrete composed of Portland cement, clean sand and clean broken brick or stone in proportion of one of cement to not more than three of sand and six of broken brick or stone, and shall be of the width of the wall or foundation which it caps and not less than 9 inches in depth and shall be reinforced throughout the whole thickness and length with iron or steel bars of not less than $\frac{1}{2}$ inch in diameter and not less in number than required by regulation 39 in Part II.

65. All Building Regulations for the time being in force, save as specifically varied in this Part, shall apply to buildings of hollow concrete blocks.

PART VII

Aluminium Framed Buildings

66. *Design*—Aluminium members shall be designed by methods admitting of rational analysis according to established principles of mechanics.

G.N.
1099/1961.

67. *Standards*—The standards set out in the Publication (hereinafter referred to as the "said Publication") "Specifications for Structures for Aluminium Alloy 6061-T6 of the American Society of Civil Engineers, proceedings Volume 82 No. S13 May 1956", are hereby adopted to supplement but not supersede the specific requirements of these regulations.

68. *Allowable Unit Stresses*—The allowable working stresses are dependent on the alloy, condition of use, fabrication, and manufacture. The allowable working stress for 6061-T6 material shall not exceed the following unit stresses in pounds per square inch:

tension	...	...	15,000 p. s. i.
compression	...	...	14,000 p. s. i.
(reduced by a factor representing end restraint and slenderness ratio as set forth in the standard above). Shear in pins and rivets (cold driven)			
10,000 p.s.i. bearing on rivets and turned bolts,			
in reamed holes	...	...	27,000 p. s. i.

For other aluminium alloys, allowable stresses shall provide a factor of safety of not less than 2.33 for primary members and 2.0 for secondary members, based on minimum yield strength at an elongation of .2 per cent.

69. (1) *Design*—The Surveyor may require that any structure using aluminium primary or secondary members be designed by a qualified Structural or Civil Engineer. Increases in allowable unit stresses as set for wind loads in these regulations shall be applicable to aluminium structural members except that allowable unit stresses shall not exceed 75 per cent of the minimum yield strength.

(2) In addition to flexural and shearing stresses, the critical factors of buckling, fatigue, stress raisers such as notches or holes or sharp re-entrant corners, deflection and connections shall be considered and provided for by proper design.

Construction Details:

70. (1) *Connections*: Aluminium members shall be designed as set forth in Paragraph 3001.2 (a) of the said Publication.

(2) *Roofing*: Aluminium sheet used for roofing shall be not less than .024 inch in thickness. Aluminium sections spanning between supports shall be limited in span to satisfactorily resist positive and negative loads set forth in the regulations and the deflection of roofing under full superimposed load shall not exceed $1/240$ of the span.

(3) *Wall Panels*: Aluminium sheets used in built up wall panels shall have a thickness of not less than .040 inch and the design of the panel units shall be to the satisfaction of the Surveyor.

(4) Finished facings shall have a maximum deviation of one-fourth inch at the centre when measured from a plane determined by the edges of the panel, with a maximum deviation of one-sixteenth inch in any 12 inch run. The maximum deflection of a curtain wall system under fall line or wind load shall not exceed $1/175$ for panels nor $1/240$ for vertical members.

71. (1) *Dissimilar Materials*: Where aluminium surfaces come in contact with materials or metals other than stainless steel, zinc, white bronze or small area or other metals incompatible with aluminium, the surfaces shall be kept from direct contact with such parts by:

- (a) Painting the dissimilar metal or other material with a prime coat of zinc chromate primer or other suitable primer, followed by one or two coats of aluminium metal and masonry paint or other suitable protective coat, excluding those containing lead pigmentation.
- (b) Painting the dissimilar metal with a coating of a heavy bodied bituminous paint.
- (c) Placing a good quality caulking material between the aluminium and the dissimilar metal.
- (d) By placing a non-absorptive tape or gasket between the aluminium and the dissimilar metal.

- (e) By placing steel members hot-dip galvanized or zinc-plated after fabrication between the aluminium and the dissimilar metal.

(2) Dissimilar metals or materials shall be painted if used in locations where drainage from them passes over aluminium.

(3) Aluminium surfaces in contact with lime-mortar, concrete or other masonry materials shall be protected with alkali-resistant coatings, such as heavy-bodied bituminous paint or water-white methacrylate lacquer.

(4) Aluminium in contact with wood or other absorptive materials which may become repeatedly wet shall be painted with two coats of aluminium metal-and-masonry paint or a coat of heavy-bodied bituminous paint or the wood or other absorptive material shall be painted with two coats of aluminium house paint and seal joints with a good quality caulking compound.

(5) Where aluminium is in contact with treated wood, the wood shall be treated with pentachlorophenol .5 per cent minimum concentration or creosote or zinc naphthanate following the protective measures outlined in paragraph (4) of this regulation.

Expansion, Contraction: Aluminium work shall be designed and anchored so that the work will not be distorted nor the fasteners overstressed from the expansion and contraction of the metals.

72. The Principal Regulations for the time being in force save as specifically varied by this Part shall apply to Aluminium framed Buildings, and all such buildings shall as regards the metal framing, bracing, walls, partitions, floors, roofs, riveting, panels, foundations and anchorage, be constructed in such manner as may be approved by the Surveyor.

SECOND SCHEDULE

REGULATIONS

Second
Schedule.
Sections 2, 5,
20 and 25.

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

In the case of walls—

- (a) The materials specified in paragraphs (a), (b), (c) and (d) of regulation 5 of the First Schedule.
- (b) Jamaica hard wood timber when used for beams or posts either alone or in combination with iron or steel, the timber and the metal (if any), being protected by plastering one inch thick in cement or other external coating approved by the Surveyor, efficiently keyed or otherwise secured to the timber or metal.

In the case of roofs—

G.N.
74/1908.

In addition to the substances mentioned in regulation 24 of Part I of the First Schedule, brick, stone, concrete, eternit, vulcanite.

In the case of doors—

Steel, iron, hard timber, not less than two inches thick covered with metal.

In the case of interior work—

Any of the substances specified under the head of walls, roofs or doors.

Generally—

Any other material from time to time approved by the Minister as fire-resisting, and then only for the purpose specified.

(Sections 44
& 45)
L.N.
45/1992.

THIRD SCHEDULE

PART I

FEES

Building permits for the construction of new structures

- | | |
|--|---|
| (a) For residential structures | one-half of one per cent ($\frac{1}{2}$ of 1%) of the estimated cost of the structure to be erected. |
| (b) For commercial structures | one per cent (1%) of the estimated cost of the structure to be erected. |
| (c) Where the building to be constructed ... | the council may waive the fee or impose a special fee equivalent to one-half ($\frac{1}{2}$) of the normal fee. |
| (i) does not exceed 500 square feet in area; or | |
| (ii) is intended to accommodate farm animals or operations | |

Re-validation of building permit

- | | |
|--|------------------------------------|
| (a) Where application is made within two years of the original permit | |
| (i) for residential construction ... | \$100 |
| (ii) for commercial construction ... | \$400 |
| (b) Where the application is made more than two years after the expiration of the original permit | ... fees as for a new application. |

[The inclusion of this page is authorized by L.N. 42/1995]

Amendment of Plans

For each application to
amend an approved plan—

- | | |
|---|-------|
| (a) for residential construction | \$100 |
| (b) for commercial construction | \$200 |

Where a site visit becomes
necessary for processing the
plan or verification of com-
pliance with the amend-
ment \$80 for each such visit.

Additions and alterations to existing building

- | | |
|---|--|
| (a) Where the additions
exceed the total floor
area of the existing
building or 1000
square feet which-
ever is the less ... | fees as for a new construction. |
| (b) for alteration or
addition other than
those specified at
(a) | one-half ($\frac{1}{2}$) of the fee payable for a new
construction. |

Repairs to existing building

One-quarter ($\frac{1}{4}$) of the fee
payable for a permit to
construct a new building
of a similar size, class
and type

Temporary structures

One-half ($\frac{1}{2}$) of the fee
payable for a permit to
construct a permanent
building of a similar size
and class

Absorption pits

For inspection \$100 for each unit.

Billboards and advertising signs

To erect:

- | | |
|------------------------------|-------|
| (a) billboards | \$600 |
| (b) advertising signs | \$100 |

Outline Approval

Outline approval of a proposed development ... one-quarter ($\frac{1}{4}$) the fees for a building permit for proposed development.

Certification of strata plan compliance

For certification of strata plan compliance in respect of applications for strata titles ... one-quarter ($\frac{1}{4}$) of the fees payable for building permit to erect building of similar size, class and type.

Application for change of class

- (b) Where no alteration reconstruction of building or structures is required ... such a fee as would be payable for a building permit to erect a new building of a similar size, class and type.
- (b) Where no alteration or reconstruction is required ... one-quarter ($\frac{1}{4}$) of the fee payable to erect a building of similar size, class and type.

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PART II

Dilapidated, neglected and dangerous structures

For an inspection of each structure and certifying opinion thereon when directed so to do ... \$500

For service of notice to owners ... \$100

For one inspection of the building or structure to ascertain if order is complied with ... \$100

For any subsequent inspection rendered necessary because of non-compliance with the order ... \$200

[The inclusion of this page is authorized by L.N. 42/1995]

PART III—*Supplementary Provisions*L.N.
45/1992.

1. Where an applicant for a building permit is an approved charitable organization, the Building Authority may grant to such applicant a concession on the fees to be paid.

2. Where an application for a building permit or for the approval of any other building works or plans is refused by the Building Authority, the Building Authority shall refund to the applicant an amount not exceeding fifty per cent of the fees paid in respect of such application.

3. Subject to paragraphs (1) and (2), the fees prescribed for the consideration of Plans and amendment of Plans and for all known and necessary inspections shall be paid at the time of lodging the Plan or Amendment, and fees prescribed for inspection to be made at the instance of any person shall be paid at the time of making the request and the fees for the inspection of dilapidated, neglected or dangerous building rendered necessary by the default of the owner or builder shall be payable on demand by the owner or the builder making default.

4.—(1) The Surveyor shall, after consultation with such persons, bodies or agencies as he may deem necessary, recommend to the Building Authority a schedule of building costs which shall specify the estimated cost per square foot of erecting different classes and types of buildings having regard to the location of these buildings in various parts of the Corporate Area.

(2) The Building Authority by resolution shall, after considering the recommendations of the Surveyor, establish a schedule of building costs.

(3) The estimated cost of the structure to be erected shall be calculated by—

- (a) computing the total floor area of the proposed building by reference to the length and width (inclusive of the outer faces of the walls) of each floor level of the proposed building as delineated in the plans submitted with the application; and
- (b) applying the measurement to the estimated cost per square foot specified in the schedule of building costs for that class and type of building having regard to the location of that building in that area.

5. In these Regulations—

“commercial structures” means buildings other than residential structures intended to accommodate any type of business operation or activity;

“residential structures” means buildings intended to provide residential accommodation for households.