ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 208.

An Act for regulating Buildings and Party Walls in the City of Adelaide and other Municipalities.

[Assented to, November 18th, 1881.]

WHEREAS it is expedient for the safety, health, and comfort of the inhabitants of the City of Adelaide and other municipalities, and the security of property therein, that provision should be made for the better regulation of buildings and party walls, and for the prevention of mischiefs by fire in the said city and other municipalities—Be it therefore enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

PRELIMINARY.

1. This Act may be cited for all purposes as "The Building Act, 1881."

2. Section 173 of "The Municipal Corporations Act, 1880," is hereby repealed.

3. This Act shall, except in cases where it is otherwise expressly provided, come into operation on the first day of January, one thousand eight hundred and eighty-two.

4. In the construction of this Act (if not inconsistent with the context), the following terms shall have the respective meanings hereinafter assigned to them, that is to say—

"Public buildings" shall mean every building used as a church, chapel, or place of worship; also, every building used for...
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for purposes of public instruction; also every building used as a college, public hall, hospital, theatre, public concert-room, public ballroom, public lecture-room, public exhibition-room, or for any other public purpose:

"External wall" shall apply to every outer wall or vertical enclosure of any building not being a party wall:

"Party wall" shall apply to every wall separating any building from any other building with a view to the same being separately occupied; but if from any cause whatever the said wall should cease to separate such building, such wall shall thereupon become an external wall or a partition, as the case may be:

"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:

"Party structure" shall include party walls, and also partitions, arches, floors, and other structures separating buildings storeys, or rooms, which belong to different owners, or which are approached by distinct staircases or separate entrances from without:

The "area" of every building shall be deemed to be the super ficies of a horizontal section of such building made at the point of its great surface, including the external walls and such portion of the party walls as belong to the building, but excluding an attached building, the height of which does not exceed the height of the ground story:

"The base of the wall" shall mean the course immediately above the footings:

"Owner" shall apply to every person in possession or receipt either of the whole or any part of the rents or profits of any land or messuage, or in the occupation of such land or messuage other than as a tenant from year to year, or for any less term, or as a tenant at will:

"Builder" shall apply to and include the master-builder or other person employed to execute or who actually executes any work upon any building:

"Surveyor" shall mean every such surveyor or inspecting officer as is appointed in pursuance of this Act, and shall include any deputy or assistant surveyor or inspecting officer appointed under this Act:

"City of Adelaide" or "city" shall mean and include any city or town incorporated under the Municipal Corporations Act, 1861, "The Municipal Corporations Act, 1880," or any amendment thereof:

"Council" shall mean and include the Council of any municipality incorporated
incorporated under the Municipal Corporations Act, 1861, "The Municipal Corporations Act, 1880," or any amendment thereof:

"A building" shall be deemed to be "new" whenever the enclosing walls thereof have not been carried higher than the footings, previously to the said first day of January, one thousand eight hundred and eighty-two; any other building shall be deemed to be an old building.

Limits of Act.

5. This Act shall extend to all places within the limits of any city or town incorporated under the Municipal Corporations Act, 1861, "The Municipal Corporations Act, 1880," or any amendment thereof, according as such limits are delineated in the maps and plans of such city or town in the office of the Surveyor-General of South Australia, to which city or town the Governor, by Proclamation in the Government Gazette, may, after receipt of a petition from the Council of any such city or town, direct this Act to apply.

6. This Act shall be divided into Four Parts—

I. The First Part relating to the Regulation and Supervision of Buildings:

II. The Second Part relating to Dangerous Structures:

III. The Third Part relating to Party Structures:


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REGULATION AND SUPERVISION OF BUILDINGS.

7. The following buildings and works shall be exempt from the operation of the first part of this Act—

Bridges, piers, jetties, embankments, fence walls, retaining walls:

All party fence walls and greenhouses, so far as regards the necessary woodwork of the sashes, doors, and frames:

All buildings the property of Her Majesty within the limits of this Act:

Openings made into walls or flues for the purpose of inserting therein ventilating valves of a superficial extent not greater than forty square inches, if such valves are not nearer than nine inches to any timber or other combustible material.

8. With the exemptions hereinbefore mentioned, this Act shall apply to all new buildings, and whenever mention is herein made of any building, it shall, unless the contrary appears from the context, be deemed to imply a new building.

9. Any
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Alterations to old buildings.

9. Any alteration, addition, or other work made or done for any purpose, except that of necessary repair not affecting the construction of any external or party 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 of this Act; and whenever mention is herein-after 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.

10. Whenever any old building has been taken down to an extent exceeding one-half of such building, such half to be measured in cubic feet, the rebuilding thereof shall be deemed to be the erection of a new building; and every portion of such old building that is not in conformity with the regulations of this Act shall be forthwith taken down, if the Council so direct.

11. 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.

Construction of walls.

12. Walls shall be constructed of such substances and of such thickness, and in such manner as are mentioned in the First Schedule hereto.

Recesses and Openings.

13. The following rules shall be observed with respect to recesses and openings in walls—

Recesses and openings may be made in external walls, provided—

1. That the backs of such recesses are not of less thickness than eight and a-half inches, built as one wall.

2. That every recess so formed is arched over at each floor or ceiling with an arch having a rise equal to at least one-eighth of the span; and,

3. That the area of such recesses and openings do not, taken together, exceed two-thirds of the whole area of the wall in which they are made:

4. That the consent and authority of the surveyor be first had and obtained.

Recesses may be made in party walls, provided that—

1. The backs of such recesses be not less in thickness than eight inches and one-half.

2. That
11. That every recess so formed is arched over at each floor or ceiling with an arch having a rise equal to at least one-eighth of the span:

111. That the area of such recesses do not, taken altogether, exceed two-thirds of the whole area of the wall of the story in which they are made:

1v. That the consent and authority of the surveyor be first had and obtained:

No opening shall be made in any party wall except in accordance with the rules of this Act:

The word “area,” as used in this section, shall mean the area of the vertical face or elevation of the wall, pier, or recess to which it refers.

Miscellaneous.

14. Loophole frames may be fixed within one inch and a-half of the face of any external wall, but all other woodwork fixed in any external walls, except brestsummers and story-posts under the same, and frames of doors and windows of shops on the ground story of any building, shall be set back four inches at the least from the external face of such wall.

15. The following rules shall be observed with respect to brestsummers and timbers—

1. Every brestsummer must have a bearing in the direction of its length of four inches at the least at each end, upon a sufficient pier of brick or stone, or upon an iron story-post fixed on a solid foundation, in addition to its bearing upon any party wall:

11. Every brestsummer bearing upon any party wall must be borne by a templet or corbel of stone or iron, tailed through at least half the thickness of such wall and of the full breadth of the brestsummer:

111. Every opening, unless spanned by a brestsummer made of wrought iron strong enough, in the opinion of the surveyor, to carry the building above it, shall have a relieving arch over it, and the thrust of the arch shall be borne by wrought-iron span bars and cast-iron or freestone skewbacks to receive the whole of the ends of such arch, which, together with the span-bars, shall be, in the opinion of the surveyor, strong enough to carry the weight over it:

1v. Hardwood, either jarrah or redgum, may be used in foundations, but no timber or wood plate shall be built longitudinally into any wall above the ground line; and the ends of beams or joists bearing on party walls shall be at least two and a-half inches distant from the centre line of such party walls.

16. If
16. If any gutter, any part of which is formed of combustible materials, adjoins an external wall, then such wall must be carried up so as to form a parapet eighteen inches at least above the highest part of such gutter, and the thickness of the parapet so carried up must be at the least eight and a half inches reckoned from the level of the under side of the gutter-plate.

17. Every party wall shall be carried up above the roof, flat, or gutter, of the highest building adjoining thereto, to such height as will give a distance of fifteen inches, measured at right angles to the slope of the roof, or above the narrow part of any flat or gutter, as the case may be; and every party wall shall be carried up above any turret, dormer, lantern-light, or other erection of combustible materials fixed upon the roof or flat of any building within four feet from such party wall, and shall extend at least twelve inches higher and wider on each side than such erection; and every party wall shall be carried up above any part of any roof opposite thereto, and within four feet from such party wall.

18. In a party wall no chase shall be made wider than fourteen inches, nor more than four and a half inches deep from the face of the wall, nor so as to leave less than eight and a half inches in thickness at the back or opposite side thereof, and no chase may be made within a distance of seven feet from any other chase on the same side of the wall.

19. It shall be allowable to use hollow walls, formed of two brick walls, not less than four inches and a half thick. The two walls to be bonded together to the satisfaction of the surveyor.

20. With regard to roof coverings in reference to the materials thereof—

If the external parts of any roof, gutter, or flat of any building, or of any projection therefrom, and of any turret, dormer, lantern-light, or other erection on the roof or flat of any building, be hereafter built or rebuilt, stripped, ripped, or uncovered, then every such part (except the door frames and doors, window-frames and sashes of such turrets, dormers, lantern-lights or other erections) must be covered with slates, tiles, lead, galvanized corrugated iron, glass, artificial stone, or cement, and such excepted parts may be made of such wood as shall be necessary:

And with regard to the roof, flat, and gutter of any building, and of any projection therefrom, and also balconies, verandahs, and shop-fronts, they must be so arranged and constructed, and so supplied with gutters and pipes as to prevent the water therefrom dripping on to or running over the public way, and all such rainwater pipes and eaves gutters are to be made of metal.
21. The following rules shall be observed as to chimneys and flues—

i. Chimneys built on corbels of brick, stone, or other incombustible materials may be introduced above the level of the ceiling of the ground story, on walls of not less than thirteen and a half inches, and if the work so corbelled out does not project from the wall more than the thickness of the wall, the corbels must be of a vertical depth equal to the projection from the wall, but all other chimneys shall be built on solid foundations, and with footings similar to the footings of the wall against which they are built:

ii. Chimneys and flues having proper doors of not less than nine inches square may be constructed at any angle; but in every other chimney or flue the angles shall be constructed of an obtuseness of not less than one hundred and thirty degrees:

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

iv. The inside of every flue must be rendered, pargeted, or lined with fire-proof piping:

v. The jambs of every chimney must at least be eight and half inches wide on each side of the opening thereof:

vi. The breast of every chimney, and the front, withe, partition, and back of every flue must at least be four inches in thickness:

vii. The back of every chimney opening from the hearth up to the height of twelve inches above the mantel, must at the least be eight and a half inches thick. The divisions of back-to-back fireplaces in cross walls may be four and a half inches thick:

viii. The thickness of the upper side of every flue, when its course makes with the horizon an angle of less than forty-five degrees, must be at the least eight and a half inches:

ix. Every chimney-shaft shall be carried up in brick or stone work all round at the least four inches thick, to a height of not less than three feet above the roof, flat, or gutter adjoining thereto, measured at highest points of the line of junction with such roof, flat, or gutter:

x. The brickwork or stonework of any chimney-shaft, except that for the furnace of any steam-engine, brewery, distillery,
tillery, or manufactory, shall not be built higher above the roof, flat or gutter adjoining thereto, measured from the highest point in the line of junction with such roof, flat, or gutter, than a height equal to six times the least width of such chimney shaft at the level of such highest point in the line of junction unless such chimney shaft is built with and bonded to another chimney-shaft not in the same line with the first, or otherwise made secure to the satisfaction of the surveyor:

xi. There shall be laid level with the floor of every story, before the opening of every chimney, a slab of stone, or other incombustible material, at the least twelve inches longer than the width of such opening, and at the least sixteen inches wide in front of the breast thereof:

xii. On every floor above the ground floor, such slab shall be laid wholly on stone or iron bearers, or upon brick trimmers:

xiii. The hearth or slab of every chimney shall be bedded only on brick, stone, or other incombustible substance, and shall be solid for a thickness of six inches at least beneath the upper surface of such hearth or slab:

xiv. No flue shall be built against any party structure unless a withe is properly secured thereto, at the least four inches in thickness:

xv. No chimney breast or shaft, built with, or in, any party wall shall be cut away unless the surveyor certifies that it can be done without injuriously affecting the stability of any building:

xvi. No chimney shaft, jamb, breast, or flue shall be cut into except for the purpose of repair, or doing some one or more of the following things—

Of letting in, or removing, or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam, or of letting in, removing, or altering smoke-jacks:

Of forming openings for soot door, such openings to be fitted with a close iron door and frame:

Of making openings for the insertion of ventilating valves subject to the following restrictions, that no opening shall be made nearer than six inches to any timber or combustible substance:

xvii. No timber or woodwork shall be placed—

In any wall or chimney-breast nearer than six inches to the inside of any flue or chimney opening:

Under any chimney opening within eight inches from the upper surface of the hearth of such chimney opening:
Within four and a half inches from the face of the brickwork or stonework about any chimney or flue, where the substance of such chimney or stonework is less than eight and a half inches thick:

And no wooden plugs shall be driven nearer than four and a half inches to the inside of any flue or chimney opening, nor any iron holdfast or other iron fastening nearer than two inches thereto.

22. The following rules shall be observed with respect to close fires and pipes for conveying heated vapor or water, that is to say—

1. The floor under every oven or stove used for the purpose of trade or manufacture, and the floor around the same for a space of eighteen inches, shall be formed of materials of an incombustible and non-conducting nature:

ii. No pipe for conveying smoke, heated air, steam, or hot water shall be fixed against any building on the face next any street or public way:

iii. No pipe for conveying heated air or steam shall be fixed nearer than two and a half inches to any combustible materials:

iv. No pipe for conveying smoke or other products of combustion shall be fixed nearer than six inches to any combustible materials:

And if any person fails in complying with the rules of this section he shall for each offence incur a penalty not exceeding Five Pounds, to be recovered before two Justices of the Peace; and shall make the alterations necessary to comply with this Act.

23. The following rules shall be observed with respect to accesses and stairs—

In every public building the floors of the lobbies, corridors, passages, and landings, and also the flights of stairs shall be of stone or other fire-proof material, and carried by supports of a fire-proof material.

24. The following rules shall be observed with respect to habitable rooms in any building, that is to say—

1. Every habitable room hereafter constructed in any building, except rooms in the roof thereof, shall be in every part at the least ten feet in height from the floor to the ceiling:

2. Every habitable room hereafter constructed in the roof of any building, shall be at least ten feet in height from the floor to
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111. Cellars and underground rooms intended for habitation shall be constructed in manner directed by this Act:

They shall be at least ten feet in height in every part thereof, measured from the floor to the ceiling; and

They shall be at least one foot of their height above the surface of the footway or land adjoining or nearest to the same; and,

Where practicable, every cellar or underground room shall have, immediately outside the walls thereof, a dry rubble wall from the bottom of the footings to the surface of the ground, and the base of the wall shall have sloped drains leading to a drainage-well or sewer as the case may be:

They shall be effectually drained and secured against the rise of effluvia from any sewer or drain; and

They shall each have a fireplace with a proper chimney or flue; and

They shall each have an external glazed window of at least nine superficial feet in area clear of the frame, and made to open in such a manner as is approved by the surveyor:

There shall appertain to each such cellar or underground room the use of a closet or privy, kept and provided in accordance with the provisions of The Public Health Act, or any amendment thereof:

Every cellar or underground room shall have on one side thereof, an open area of at least two feet six inches wide from six inches below the floor thereof, up to the surface of the ground level:

Provided always that in any area adjoining a room or cellar there may be placed steps necessary for access to such room or cellar; and over or across any such area there may be steps or arch necessary for access to any building above the room or cellar to which such area adjoins, if the steps or arch in such respective cases be so placed as not to be over or across any such external window:

And whosoever knowingly suffers any cellar or room that is not constructed in conformity with this section to be inhabited shall, in addition to any other liabilities he may be subject to under this Act, incur a penalty not exceeding Twenty Shillings for every day during which such cellar or room is inhabited, and any cellar or room in which any person passes the night shall be deemed to be inhabited within the meaning of this Act.

25. Every
25. Every dwelling-house, office, factory, shop, school, place of worship, or place of amusement, shall have sufficient means of ventilation provided in terms of sections 44 and 55 of The Public Health Act.

26. Every building, now or hereafter occupied as a place of amusement, shall have such additional means of escape provided as, in the opinion of the surveyor, shall be sufficient to afford, in the event of any alarm, speedy egress for the greatest number of persons that the building will accommodate. All doors to open outwards where practicable.

27. In order to ensure proper drainage, ventilation of soil pipes, and other matters of a like nature, every builder shall, previous to commencing the erection of any building, submit the plans and specifications of the same, together with a tracing copy of such plans to the nearest Board of Health, and shall obtain the approval of the said Board, under the hand of its secretary, of such plans and specifications in respect of drainage, ventilation of soil pipes, and other matters.

28. In the event of the plans and specifications of any building being approved by the Board of Health as in the preceding section described, the original plans and specifications shall be returned to the builder; but the copy of the plans which shall be drawn on tracing cloth so submitted to the said Board of Health, shall be retained by them and carefully preserved.

29. Every party arch and every arch or floor over any public way, or any passage leading to premises in other occupation, shall be formed of brick, stone, or other incincombustible materials; if an arch or brick or stone is used, it shall, in cases where its span does not exceed nine feet, be of the thickness of four and a half inches at the least, but where its span exceeds nine feet, be of the thickness of eight and a half inches at the least; if an arch or floor of iron or other incincombustible material be used it shall be constructed in such manner as may be approved by the surveyor.

30. Every arch under any public way shall be formed of brick, stone, or other incincombustible materials; if an arch of brick or stone is used, it shall be, in cases where its span does not exceed ten feet, of the thickness of eight and a half inches at the least; where its span does not exceed fifteen feet, it shall be of the thickness of thirteen inches at least; and where its span exceeds fifteen feet, it shall be of such thickness as may be approved by the surveyor; if an arch or other construction of iron or other incincombustible material is used, it shall be constructed in such manner as may be approved by the surveyor.

31. The following rules shall be observed as to projections of public buildings—

1. Every coping, cornice, facia, window-dressing, portico, balcony, verandah,
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11. In streets or alleys of a less width than thirty feet, any cornice may project thirteen inches beyond the external wall of the building to which it belongs, and no more:

111. No part of the woodwork of any shop front shall be fixed nearer than four and a half inches from the line of junction of any adjoining premises:

iv. The roof flat, or gutter of every building, and every balcony oriel, verandah, oriel window, shop front, and other projection must be so arranged and constructed, and so supplied with gutters and pipes, as to prevent the water therefrom dropping upon or running over the public way:

v. Except in so far as is permitted by this section, with the exception of copings, cornices, facias, window-dressings, or other like architectural decorations, no projection from any building shall extend beyond the general line of fronts in any street, except with the permission of the Council:

vi. Notwithstanding anything contained in "The Municipal Corporations Act, 1880," to the contrary, it shall be within the power of the Council to regulate the erection of verandahs and other similar structures over the public streets and footpaths, and the materials, height, and construction of the same, provided that all such erections shall be entirely in accordance with this Act; and no verandah or other similar structure shall be erected or rebuilt except the plans of the same shall first have been submitted to the Council and have been approved by them.

32. The following rules shall be observed as to the separation of buildings and limitation of their areas—

1. Every building shall be separated by external or party walls from any adjoining building:

11. If any building in one occupation is divided into two or more tenements, each having a separate entrance and staircase, or a separate entrance from without, every such tenement shall be deemed to be a separate building for the purposes of this Act:

111. Every warehouse or other building used wholly or in part for the
the purposes of trade or manufacture, containing more than two hundred and sixteen thousand cubic feet, shall be divided by party walls in such manner that the contents of each division thereof shall not exceed the above-mentioned number of cubic feet.

33. The following rules shall be observed as to uniting buildings—

1. No opening shall be made in any party wall dividing buildings which, if taken together, would contain more than two hundred and sixteen thousand cubic feet, except under the following conditions—

Such opening shall not exceed in width seven feet, or in height eight feet:

Such opening shall have the floor-jambs and head formed of brick, stone, or iron, and be closed by two wrought-iron doors, each one-half 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:

11. Whenever it shall be deemed desirable in the case of any buildings which have been united, openings in the party walls dividing the same shall be stopped up with brick or stone work of the full thickness of the wall itself, and properly bounded therewith.

34. Every building used or intended to be used as a dwelling-house, unless all the rooms can be lighted and ventilated from a street or alley adjoining, shall have in the rear or on the side thereof an open space exclusively belonging thereto of the extent at least of four hundred and fifty square feet.

Surveyor.

35. With the exceptions hereinbefore mentioned every building and every work done to, in, or upon any building shall be subject to the supervision of a surveyor.

36. The Council may from time to time, for the purposes of this Act, appoint a surveyor or surveyors, and may from time to time suspend or remove such surveyor or surveyors, or appoint a temporary substitute for any such surveyor, and such temporary substitute shall be a surveyor within the meaning of this Act.

37. If any surveyor is prevented by illness, infirmity, or any other unavoidable cause from attending to the duties of his office, the Council may appoint some other person as his deputy to perform all his duties for such time as he may be prevented from executing them, and such deputy shall be a surveyor within the meaning of this Act.
Notices to Surveyor.

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

Two days before any building, or any work to or upon any building, is commenced, and also, if the progress of any building or work is suspended after the commencement thereof 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 any such building or work, it shall be the duty of the builder engaged in building or re-building 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 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 building that are in progress at the same time may be included in one notice; and such notice, in writing, shall be made in such form as the Council may direct.

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

40. 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.

41. If any builder neglects to give notice in any of the cases aforesaid, or executes any works of which he is hereby required to give notice, before giving the same, or, having given due notice of any works, executes the same before the expiration of two days from the time of giving such notice, such builder shall for every such offence incur a penalty not exceeding Five Pounds, to be recovered before two Justices of the Peace.

42. 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
admit such surveyor to inspect such building or work, or refuses or
elements to afford such surveyor all reasonable assistance in such
inspection, in every such case the offender shall incur for such
offence a penalty not exceeding Twenty Pounds, to be recovered
before two Justices of the Peace.

43. 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 required to be done upon condi-
tion that before the expiration of twenty-four hours after such act or
work has been begun, notice thereof is to be given to the surveyor.

Proceedings by Surveyor in case of irregularity.

44. 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 of
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 anything has been done contrary to the rules of
this Act, or that anything required by the rules of this Act
has been omitted to be done:

In every such case the surveyor shall give the builder engaged
in erecting such building, or in doing such work, notice, in
writing, requiring such builder to commence to amend,
within forty-eight hours from the date of such notice, every-
thing done contrary to the rules of this Act, or to do anything
required to be done by this Act, but which has been omitted
to be done.

45. In cases where any building has been erected, or work done,
without due notice being given to the surveyor, the surveyor may
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 under this Act have been complied
with; and the time during which the surveyor may take any pro-
ceedings, or do anything authorised or required by this Act to be
done by him in respect of such building or work, shall begin to run
from the date of his discovering that such building has been erected
or work done.

46. If the builder to whom such notice is given make 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 of the Peace, and such
Justice thereupon shall issue a summons requiring the builder so
in default to appear before him and one other Justice of the Peace;
and if upon his appearance, or, in his absence, upon due proof of
the service of such summons, it appear to such Justice that the
requisitions
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requisitions made by such notice, or any of them, are authorised by this Act, they shall make an order on such builder, commanding him to comply with the requisitions of such notice, or any of such requisitions that may in his opinion be authorised by this Act, within a time to be named in such order.

47. If such order is not complied with, the builder upon whom it is made shall incur a penalty not exceeding Two Pounds a day, to be recovered before two Justices of the Peace, during every day of the continuance of such non-compliance.

Fees for the Service of Surveyor.

48. There shall be paid to the Council in respect of the several matters specified in the first part of the Second Schedule hereto, the fees therein specified, or such other fees as may from time to time be directed by the said Council; but one fee only shall be chargeable with respect to any such works done in, to, or upon any buildings as are, in pursuance of the provisions hereinbefore contained, included in one notice.

49. If any special service is required to be performed by the surveyor, under the First Part of this Act, for which no fee is specified in the said Schedule, the said Council may order such fee, not exceeding Five Pounds, to be paid to the said Council for such service as they think fit; and the said Council shall have the same remedy for recovering such special fee as if the same were expressly named in the said Schedule.

50. At the expiration of the following periods, that is to say—

Of one month after the roof of any building surveyed by the surveyor under this Act has been covered in

Of fourteen days after the completion of any such work as is by this Act placed under the supervision of the surveyor:

Of fourteen days after any special service in respect of any building has been performed:

The Council shall be entitled to receive the amount of fees due to them from the builder employed in erecting such building, or in doing such work, or in doing any matter in respect of which any special service has been performed by the surveyor, or from the owner or occupier of the building so erected, or in respect of which such work has been done or service performed; and if any such builder, owner, or occupier refuses to pay the same, such fees may be recovered in a summary manner before a Justice of the Peace, upon its being shown to the satisfaction of such Justice that a proper bill, specifying the amount of such fees, was delivered to such builder, owner, or occupier, or sent to him, in a registered letter, addressed to his last known residence.

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

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

53. Whenever any builder is desirous of erecting any permanent building of iron or other incombustible material to which the rules of this Act are inapplicable, he shall make an application to the Council stating such desire, and setting out a plan of the proposed building, with such particulars as to the construction thereof as may be required by the Council; and the latter, if satisfied with such plan and particulars, shall signify their approval of the same, and thereupon such building may be constructed according to such plan and particulars; but it shall not be lawful for such Council to authorise any warehouse or other building, used either wholly or in part for the purposes of trade and manufacture, to be erected of greater dimensions than two hundred and sixteen thousand cubic feet, unless it is divided by party walls in manner hereinbefore provided.

54. The Council may, for the purpose of regulating the proceedings of such applicants as aforesaid, from time to time issue such general rules as to the time and manner of making such applications, as to the plans to be presented, as to the expenses to be incurred, and as to any other matter or thing connected therewith, as they may think fit.

55. A copy of any particulars rendered necessary by section 51 shall be submitted to the surveyor, and the approved drawings shall be open to inspection by the surveyor at all reasonable hours during the progress of the works. The approval by the Council of any plans or particulars, in pursuance of the foregoing provisions, shall be signified by writing under the hand of the Mayor and countersigned by the Town Clerk of such Council.

56. The Council may from time to time prepare or sanction forms of various notices.
PART I.

forms of the various notices required by this Act, and may from
time to time make such alterations therein as they deem requisite:
and they shall cause every such form to be sealed with the
Corporation seal, or marked with some distinguishing mark to be
approved by the Council; and any notice made in a form sanctioned
by the Council shall in all proceedings be held sufficient in law.

Expenses incurred in obtaining approval of Council to be paid by builder.

57. All expenses incurred in and about the obtaining such approval
of the Council as aforesaid shall be paid by the builder to such
person as the Council may appoint, and in default of payment may
be recovered in a summary manner.

Building surveyor may be appointed.

58. The Council may, for the purpose of aiding in the execution
of this Act, appoint some fit person to be called the Building Surveyor,
together with such number of clerks as they may think fit, and such person may be removable by the said Council, and shall
perform such duties as the Council directs.

PART II.

DANGEROUS STRUCTURES.

59. Whenever it is made known to the Council of the said city
or other municipalities that any structure (including in such expres-
son any building, wall, or other structure, and anything affixed to
or projecting from any building, wall, or other structure), is in a
dangerous state, such Council shall require a survey to be made of
such structure by the surveyor, or by some other competent sur-
veyor, and it shall also be the duty of the surveyor to make known
to the Council any information he may receive with respect to any
structure being in such state as aforesaid.

Certificate of surveyor as to state of building.

60. Upon the completion of his survey the surveyor employed
shall certify to the Council his opinion as to the state of any such
structure as aforesaid.

Proceedings to be taken if building is certified dangerous.

61. 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 Council shall cause the same to be shored up, or otherwise
secured, and a proper hoard or fence to be put up for the protection
of passengers, and shall cause notice 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.

If owner or occupier fail to comply with notice complaint to be
made before a Justice.

62. If the owner or occupier to whom notice is given as last
aforesaid fails to comply, as speedily as the nature of the case per-
mits, with the requisitions of such notice, the Council may make
complaint thereof before a Justice of the Peace, and it shall be lawful
for such Justice to order the owner, or in his default the occupier, of
any
any such structure to take down, repair, or otherwise secure to the satisfaction of the surveyor who made such survey as aforesaid, or of such other surveyor as the Council may appoint, such structure
or such part thereof as appears to him to be in a dangerous state,
within a time to be fixed by such Justice, and in case the same is
not taken down, repaired, or otherwise secured within the time so
limited, the Council may, with all convenient speed, cause all, or
so much of such structure as is 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 Council in respect of
any dangerous structure, in virtue of the Second Part of this Act,
shall be paid by the owner of such structure, but without prejudice
to his rights to recover the same from any lessee or other person
liable to the expenses of repairs.

63. If such owner cannot be found, or if on demand he refuses or
neglects to pay the aforesaid expenses, the Council, after giving
six 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; 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.

64. 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 year, then the same shall be paid into some
bank, in the name and with the privity of the Curator of Intestate
Estates, to be placed to his account there to the credit of the
owner (describing him so far as the Council can), and to be paid
out to the owner by order of the Supreme Court or a Judge thereof,
on his applying by petition or summons, and proving his title thereto.

65. There shall be paid to the Council as aforesaid, in respect
of the surveyor or other surveyor's services under the Second Part
of this Act, such fees, not exceeding the sum specified in the
second part of the Second Schedule hereto, as may be from time to
time directed by the said Council.

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

67. All expenses incurred by the Council in the matter of any
dangerous structure under the provisions of the Second Part of this
Act, shall be recoverable by them from the owner as a debt.

68. In cases where a structure has been certified by the
surveyor, or such other surveyor, as aforesaid, to be dangerous to its
inmates
inmates, a Justice of the Peace may, if satisfied of the correctness of such certificate, upon the application of the Council, by order under his hand, direct the inmates of any such structure to be removed therefrom by a constable or other peace officer, and if they have no other abode, he may require them to be received into the Destitute Asylum, or other place established for the reception of the destitute poor of the city.

PART III.

PARTY STRUCTURES.

69. In the construction of the following provisions relating to party structures, 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 of such party structure shall be called the building owner, and the owner of the other premises shall be called the adjoining owner.

Rights of Building and Adjoining Owners.

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

i. A right to make good or repair any party structure that is defective or out of repair:

ii. A right to pull down and rebuild any party structure that is so far defective or out of repair as to make it necessary or desirable to pull down the same:

iii. A right to pull down any timber or other partition that divides any buildings, and is not conformable with the regulations of this Act, and to build instead a party wall conformable thereto:

iv. In the case of buildings having rooms or storys, the property of different owners intermixed, a right to pull down such of the said rooms or storys, or any part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

v. In the case of buildings connected by arches or communications over public ways or over passages belonging to other persons, a right to pull down such of the said buildings, arches, or communications, or any part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

vi. 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 thereby to the adjoining premises or to the internal finishings and decorations thereof, and of carrying up to the requisite height
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height all flues and chimney-stacks belonging to the adjoining owner on or against such party structure or external wall:

vii. A right to pull down any party structure that is of insufficient strength for any building intended to be built, and to rebuild the same of sufficient strength for the above purpose, upon condition of making good all damage occasioned thereby to the adjoining premises, or to the internal finishings or decorations thereof:

viii. A right to cut into any party structure, upon condition of making good any damage occasioned to the adjoining premises by such operation:

ix. A right to cut away any footing or any chimney-breasts, jambs, or flues projecting from any party wall, in order to erect an external wall against such party wall, or for any other purpose, upon condition of making good all damage occasioned to the adjoining premises by such operation:

x. 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:

xi. A right to perform any other necessary works incident to the connection of party structures with the premises adjoining thereto:

But the above rights shall be subject to this qualification—that any building which has been erected previous to the time of this Act coming into force shall be deemed to be conformable to the provisions of this Act.

71. The building owner shall, in the event of desiring to go below the foundations of any adjoining premises, give notice in writing to the owners of such premises, and demand permission to execute at the cost of such building owner any underpinning that may be necessary; and provided that such permission be refused or neglected to be given, then the person refusing or neglecting to give such permission shall be liable for any damage that may arise by reason of the absence of such underpinning.

72. Whenever the building owner proposes to exercise any of the foregoing rights with respect to party structures, the adjoining owner may require the building owner to build on any such party structure certain chimney-jambs, breasts, or flues, or 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 will not
not be injurious to the building owner, or cause to him unnecessary inconvenience or unnecessary delay in the exercise of his rights; and any difference that arises between any building owner and adjoining owner in respect to the execution of such works as aforesaid shall be determined in manner in which differences between building owners and adjoining owners are hereinafter directed to be determined.

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

1. No building owner shall, except with the 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 the least one month’s 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; and every tenant from year to year shall be entitled to like notice unless he consent to dispense therewith, but such tenant from year to year shall not in any other respect have any rights or liabilities of an adjoining owner under this Act:

2. The notice so given shall be in writing or printed, or partly in print and partly in writing, and shall state the nature of the proposed work, and the time at which such work is proposed to be commenced:

3. No building owner shall exercise any right hereby given to him in such a manner, or at such time, as to cause unnecessary inconvenience to the adjoining owner:

4. 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 hereinbefore mentioned to be entitled:

5. Any requisition so made by any adjoining owner shall be in writing or printed, or partly in print and partly in writing, 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 by explanatory plans and drawings:

6. If either owner does not, within fourteen days after the delivery to him of any notice or requisition, consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the building owner and the adjoining owner:

7. In
vii. 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 arbitrator, they shall each appoint an arbitrator, and the two arbitrators so appointed shall select a third arbitrator, and such one arbitrator, or three arbitrators, or any two of them, shall settle any matter in dispute between such building and adjoining owner, with power by his or their award to determine the right to do, and the time and manner of doing any work, and, generally, any other matter arising out of, or incidental to, such difference; but any time so appointed for doing any work shall not commence until after the expiration of such period of three months, as is hereinbefore mentioned:

viii. Any award given by such one arbitrator, or by such three arbitrators, or any two of them, shall be conclusive, and shall not be questioned in any Court:

ix. If either party to the difference makes default in appointing an arbitrator 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:

x. The costs incurred in obtaining any such award as aforesaid shall be paid by such party, as such one arbitrator, or three arbitrators, or any two of them, may determine:

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

74. 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 such entry; and any owner or other person that hinders or obstructs any workman 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 Ten Pounds, to be recovered before two Justices of the Peace.

75. Any
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75. 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 authorised by this Act to execute, to give such security as may be agreed upon, or in case of difference may be settled by the Adelaide Local Court of Full Jurisdiction, for the payment of all such costs and compensation in respect of such work as may be payable by such building owner.

76. 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 by the building owner and adjoining owner:

1. 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 proportions, regard being had to the use that each owner makes of such structure:

2. 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 proportions, regard being had to the use that each owner makes of such structure:

3. If any timber or other partition dividing any building is pulled down in exercise of the right hereinbefore vested in a building owner, and a party structure built instead thereof, the expense of building such party structure, and also of building any additional party structure 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 required to the respective buildings parted thereby:

4. If any room or storys, or any part of any room or storys, 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 storys:

5. If any arches or communications, or any parts thereof, 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.
proportion, regard being had to the use that each owner makes of such arches or communications.

As to expenses to be borne by Building Owner:

vi. If any party structure, or external wall built against the same, is raised in pursuance of the power hereinbefore 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.

vii. If any party structure which is of proper materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull 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:

viii. If any party structure is cut into by the building owner, any expense of cutting into the same, and of making good the damage hereinbefore required to be made good, shall be borne by such building owner:

ix. If any footing, chimney-breasts, 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.

77. Within one month after the completion of any work which any building owner is by his Act authorised 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 deductions 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 labor at the time.

78. 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 building and adjoining owners.

79. If within such period of one month as aforesaid, the party receiving such account does not declare, in manner aforesaid, his dissatisfaction
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.

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

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

82. Where any building owner is by the Third Part of this Act liable to make good any damage he may occasion to the property of an adjoining owner by any works authorised to be executed by him, or to do any other thing upon condition of doing which his right to execute such work 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, to be recovered before two Justices of the Peace, not exceeding Twenty Pounds for each day during which such failure continues.

83. 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 curtesy que trust; by, on, or to a guardian or committee on behalf of an infant, idiot, or lunatic.

84. 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 to do such thing on behalf of such owner, or if any owner so capable, or any person so empowered cannot be found, the nearest Local Court of Full Jurisdiction shall have full power to give such consent, or to do, or to cause to be done, such thing on behalf of such owner, upon such terms and subject to such conditions as such Court 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 Court shall have power to dispense with the service of any notice which would otherwise be required to be served.

85. No building which may hereafter be erected shall encroach or project on any public street or place; and no building which may now
PART IV.

MISCELLANEOUS PROVISIONS.

86. 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, the following rules shall be observed with respect to the payment of such expenses—

i. 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 will thereafter accrue due, from him in respect of such premises during the period of his occupancy:

ii. If there are more owners than one, every owner shall be liable to contribute to such expenses in proportion to his interest:

iii. If any difference arises as to the amount of contribution, such difference shall be decided by arbitration, to be conducted in manner directed by "The Railways Clauses Consolidation Act," and, for that purpose, the clauses of the said Act, with respect to the settlement of disputes by arbitration, shall be incorporated with this Act, and for the purposes of such incorporation the term "Special Act" wherever used in the said Act shall mean this Act, and the expression "Company," or directors of the company, shall mean the Council.

iv. If
PART IV.

IV. 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:

V. 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:

VI. If default is made by any 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, in addition to any other remedies hereby provided, such expenses and moneys, if arising in respect of any matter within the provisions of the Third Part of this Act, may be recovered as a debt in due course of law, but if arising in respect of any other matter under this Act, may be recovered in a summary manner.

NOTICES.

87. 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—

i. A notice, summons, or order shall, where practicable, in all cases be served personally:

ii. 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:

iii. 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 the post in a registered letter, addressed to the residence, or last known residence, of such owner, or of his agent:

iv. A
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iv. A notice, summons, or order may be served on any surveyor by leaving the same at his office.

88. In cases where jurisdiction is hereby given to a Local Court, 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 and refuse costs, according to circumstances, and to settle the amount thereof, although the same may exceed the amount of Ten Pounds.

89. Proceedings in any Local Court in respect of any matter arising under this Act shall be conducted in the same manner as proceedings are conducted in any ordinary case within the jurisdiction of such Court, or as near thereto as circumstances permit; and orders made by such Court shall for all purposes be deemed to be judgments of the said Court, and may be enforced by execution or otherwise, in a similar manner to that in which the judgments of such Court are ordinarily enforced: And in all cases where the judgment of such Court is to do some act other than the payment of money, any neglect to perform such act within the time limited in such judgment shall subject the person ordered to do such act to a penalty of Five Pounds a day until such act is performed.

90. If either party in any case over which jurisdiction is hereby given to a Local Court feels aggrieved with the decision of such Court, in respect of any point of law, or the admission or rejection of any evidence, or on the ground that such decision is against the weight of evidence, he may appeal therefrom to the Supreme Court 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 in difference between the parties exceeds Thirty Pounds, and the opinion of the Court before which the case is tried is to such value shall be conclusive.

91. All penalties under this Act, and all fees, moneys, costs, or expenses, by this Act directed to be recovered in a summary manner, may be recovered before any two or more Justices of the Peace in manner directed by an Ordinance, No. 6 of 1850, “To facilitate the performance of the duties of Justices of the Peace out of sessions, with respect to summary convictions and orders,” or of any Act to be hereafter in force relating to duties of Justices of the Peace with respect to summary convictions and orders.

92. Any Justices of the Peace, in any case over which jurisdiction is hereby given them, may make such order as to the cost of any proceedings of which they have cognizance as they think just; they may
may also direct the whole or any part of any penalty imposed by them under this Act to be applied in or towards the payment of the costs of the proceedings, and subject to such direction, all penalties shall be paid into the hands of the Treasurer of the province towards the general revenue thereof.

93. In every case, except in respect of fees of the Council, in which jurisdiction is hereinbefore given to one or more Justice or Justices of the Peace, if either party to any such case is dissatisfied with the determination of the Justice or Justices so convicting, in respect of any point of law, or of the admission or rejection of any evidence, or on the ground that such determination is against the weight of evidence, such party may, upon giving notice within seven days to the other party of his intention to appeal, appeal therefrom to the nearest Local Court of Full Jurisdiction, subject to this restriction, that no such appeal shall be made by the informant, except with the consent of the Justices before whom the case was tried, and that no such appeal shall be made by any other party to the case except upon giving such security for costs, and if the case requires it, in addition thereto, such undertaking in respect of desisting in the meantime from any works complained of, or in respect of any other matter or thing arising in the case, as the Justice or Justices think fit.

94. Any appeal so made shall be in the form of a special case, to be agreed on by both parties, or if the parties cannot agree, to be settled by the Justice or Justices from whose decision the appeal was made, and such case shall be transmitted by the appellant to the Court in which the appeal is to be brought, and be heard in the manner provided by the Ordinance No. 6 of 1850, hereinbefore mentioned.

95. No writ or process shall be sued out against the surveyor or other person for anything done or intended to be done under the provisions of this Act until the expiration of one month next after notice in writing has been delivered to him, or left at his office or usual place of abode, stating the cause of action, and the name and place of abode of the intended plaintiff, or of his attorney or agent in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in such last-mentioned notice, and, unless such notice is proved, the Court or Jury shall find for the defendant; and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards; and the defendant shall be at liberty to plead the general issue, and give this Act and all special matter in evidence thereunder.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

FIRST
FIRST SCHEDULE.

PRELIMINARY.

1. Every building shall be enclosed with walls of brick, stone, concrete, or other hard and incombustible substances, and the foundation shall rest on the solid ground, or upon concrete, or upon other solid sub-structure.

2. Every wall constructed of brick, stone, concrete, or other similar substances, shall be properly bonded with mortar or cement, and no part of such wall shall overhang any part underneath it, except in so far as is provided in this Act, and all return walls shall be properly bonded together.

3. Every such wall shall be provided with damp-proof course or courses other than wood, which damp-proof course or courses shall be above the surface of the ground or cellar floor.

4. Where the walls are over eight and a half inches thick, the thickness of every rubble stone wall shall be one-fourth greater than the thickness prescribed for brick walls in the rules hereinafter contained, but no rubble stone wall shall be less than thirteen and a-half inches thick.

5. The thickness of every wall, as hereinafter determined, shall be the minimum thickness, except where recesses are allowed in accordance with section 13.

6. The heights of every topmost story shall be measured from the level of its floor up to the underside of the tie of the roof, or up to half of the vertical height of the rafters when the roof has no tie, and the height of every other story shall be the clear height of such story exclusive of the thickness of the floor.

7. The height of every external and party wall shall be measured from the base of the wall to the level of the top of the topmost story.

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

9. The projections of the bottom of the footing of every wall, on each side of the wall, shall be at least equal to one-half of the thickness of the wall at its base; and the height from the bottom of such footing to the base of the wall shall be at least equal to one-half of the thickness of the wall at its base.

PART 1.

1. The external and party walls of dwelling-houses or offices shall be made throughout the different stories of the thickness shown in the following table, arranged according to the heights and lengths of the walls, and calculated for walls up to one hundred feet in height, and supposed to be built of bricks not less than eight and a half inches nor more than nine and a half inches in length, the heights of the stories being subject to the conditions hereinafter given:

<table>
<thead>
<tr>
<th>Height up to 100ft.</th>
<th>2.</th>
<th>Length up to 45ft.</th>
<th>3.</th>
<th>Length up to 80ft.</th>
<th>4.</th>
<th>Length Unlimited.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2.</td>
<td>Length up to 45ft.</td>
<td>3.</td>
<td>Length up to 70ft.</td>
<td>4.</td>
<td>Length Unlimited.</td>
</tr>
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<td>1.</td>
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<tr>
<td>Height up to 100ft.</td>
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</tr>
<tr>
<td>Two stories—21½in.</td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Three stories—17½in.</td>
<td></td>
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</tr>
<tr>
<td>Remainder—13in.</td>
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<tr>
<td>Height up to 90ft.</td>
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</tr>
<tr>
<td>Two stories—21½in.</td>
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<td></td>
<td></td>
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<tr>
<td>Two stories—17½in.</td>
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</tr>
<tr>
<td>Remainder—13in.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Height up to 80ft.</td>
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<td></td>
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<tr>
<td>One story—21¼in.</td>
<td></td>
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<tr>
<td>Two stories—17½in.</td>
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</tr>
<tr>
<td>Remainder—13in.</td>
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<td></td>
<td></td>
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<tr>
<td>Height up to 60ft.</td>
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<td></td>
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<tr>
<td>One story—21¼in.</td>
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<td></td>
</tr>
<tr>
<td>Two stories—17½in.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Remainder—13in.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Height up to 40ft.</td>
<td></td>
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<tr>
<td>One story—21¼in.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two stories—17½in.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remainder—13in.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height up to 20ft.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>One story—21¼in.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Two stories—17½in.</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Remainder—13in.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Rules.
### The Building Act—1881.

**Rules for the Walls of Dwelling-houses (continued).**

<table>
<thead>
<tr>
<th>1.</th>
<th>2.</th>
<th>3.</th>
<th>4.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height up to 70ft.</td>
<td>Length up to 40ft.</td>
<td>Length up to 55ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Two stories—17¼in.</td>
<td>One story—21¼in.</td>
<td>Two stories—17¼in.</td>
<td>One story—26in.</td>
</tr>
<tr>
<td>Height up to 60ft.</td>
<td>Length up to 30ft.</td>
<td>Length up to 50ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 50ft.</td>
<td>Length up to 30ft.</td>
<td>Length up to 45ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Wall below the topmost story—13in.</td>
<td>One story—17¼in.</td>
<td>Rest of wall below topmost story—13in.</td>
<td>One story—21¼in.</td>
</tr>
<tr>
<td>Remainder—8½in.</td>
<td>Remainder—8½in.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Height up to 40ft.
   - Length up to 35ft.
     - Wall below topmost stories—18in.
     - Two topmost stories—8½in.
     - Remainder—8½in.

2. Length up to 30ft.
   - Wall below 2 topmost stories—18in.
   - Two topmost stories—8½in.
   - Remainder—8½in.

3. Length Unlimited.
   - One story—17¼in.
   - Rest of wall below topmost story—13in.
   - Topmost story—8½in.
   - Remainder—8½in.

4. Length Unlimited.
   - Wall below topmost story—13in.
   - Topmost story—8½in.
   - Remainder—8½in.

5. Length Unlimited.
   - Wall below topmost story—13in.
   - Topmost story—8½in.
   - Remainder—8½in.

3. In using the above table, the height of the wall is to be reckoned on the first vertical column on the left hand of the table, and the length of the wall on the corresponding horizontal column. The thickness of the wall in each story is given in inches, and begins with the wall from the base upwards.

4. If any external or party wall, measured from centre to centre, is not more than twenty-five feet distant from any other external or party wall to which it is tied by the beams of any floor or floors other than the ground floor, or the floor of any story formed in the roof, the length of such wall is not to be taken into consideration, and the thickness of the wall will be found in the second vertical column in the above table.

5. If any story exceed in height sixteen times the thickness prescribed for the walls of such story in the above table, the thickness of each external and party wall throughout such story shall be increased to one-sixteenth part of the heights of the story; but any such additional thickness may be confined to piers, properly distributed, of which the collective widths amount to one-fourth part the length of the wall.

6. No story enclosed with walls less than thirteen inches in thickness shall be more than fourteen feet in height.

7. The thickness of any wall of a dwelling-house, if built of materials other than such bricks as aforesaid, shall be deemed to be sufficient if made of the thickness required.
required by the above tables, or of such less thickness as may be approved by two
disinterested competent referees, with this exceptio—that in the case of walls built
of rubble stone no diminution shall be allowed in the thickness required by the
foregoing rules for such last mentioned walls.
8. All buildings, excepting public buildings, and such buildings as are hereinafter
defined to be buildings of the warehouse class, shall, as respects the thickness of
their walls, be subject to the rules given for dwelling-houses.

PART II.

Rules for the Walls of Buildings of the Warehouse Class.
1. The warehouse class shall comprise all warehouses, manufactories, breweries,
and distilleries, and chimneys appertaining to the same.
2. The external and party walls of buildings of the warehouse class shall, at the
base, be made of the thickness shown in the following table, calculated for walls up
to one hundred feet in height, and supposed to be built of bricks, not less than
eight and a half inches, and not more than nine and a half inches in length.

<table>
<thead>
<tr>
<th>1.</th>
<th>2.</th>
<th>3.</th>
<th>4.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height up to 100ft.</td>
<td>Length up to 55ft.</td>
<td>Length up to 70ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 90ft.</td>
<td>Length up to 60ft.</td>
<td>Length up to 70ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 80ft.</td>
<td>Length up to 45ft.</td>
<td>Length up to 60ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 70ft.</td>
<td>Length up to 30ft.</td>
<td>Length up to 45ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 60ft.</td>
<td>Length up to 35ft.</td>
<td>Length up to 50ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 50ft.</td>
<td>Length up to 40ft.</td>
<td>Length up to 70ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 40ft.</td>
<td>Length up to 30ft.</td>
<td>Length up to 60ft.</td>
<td>Length Unlimited.</td>
</tr>
<tr>
<td>Height up to 30ft.</td>
<td>Length up to 45ft.</td>
<td>Length Unlimited.</td>
<td>Base—173in.</td>
</tr>
<tr>
<td></td>
<td>Base 13in.</td>
<td>Base—</td>
<td></td>
</tr>
<tr>
<td>Height up to 25ft.</td>
<td>Length Unlimited.</td>
<td>Base—</td>
<td></td>
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</tr>
</tbody>
</table>

4. The above table is to be used in the same manner as the table previously given
for the walls of dwelling-houses, and is subject to the same qualifications and condi-
tions respecting walls not more than twenty-five feet distance from each other.
5. The thickness of the walls of buildings of the warehouse class at the top, and
for sixteen feet below the top, shall be thirteen and a half inches, and the interme-
diate parts of the wall between the base and such sixteen feet below the top shall be
built solid throughout the space between straight lines drawn on each side of the
wall.
The Building Act—1881.

wall, and joining the thickness at the base to the thickness at sixteen feet below the top as above determined.

5. If in any story of a building of the warehouse class the thickness of the wall, as determined by the rules hereinbefore given, is less than one-fourteenth part of the height of such story, the thickness of the wall shall be increased to one-fourteenth part of the height of the story; but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fourth part of the length of the wall.

6. The thickness of any wall of a building of the warehouse class, if built of materials other than such bricks as aforesaid, shall be deemed to be sufficient if made of the thickness required by the above tables, or of such less thickness as may be approved by two disinterested competent referees, with this exception—that in the case of walls built of rubble stone no diminution shall be allowed in the thickness required by the foregoing rules for such last-mentioned walls.

8. The thickness of the walls of any building of the warehouse class of greater height than one hundred feet shall be subject to the special sanction of the Council.

MISCELLANEOUS.

1. The thickness of a cross wall shall be two-thirds the thickness hereinbefore required for an external or party wall of the same dimensions, and belonging to the same class of buildings, but never less than eight and a half inches. No wall sub-dividing any building shall be deemed to be a cross wall unless it is carried up two-thirds of the height of the external or party walls, and unless the recesses or openings therein do not exceed one-half the vertical surface of the wall in each story.

2. The thickness of every rubble stone wall shall be one-fourth greater than the thickness prescribed in the rules aforesaid.

3. Buildings to which the preceding rules are applicable, require the special sanction of the Council.

4. The thickness of cross or partition walls, where the building is of one story, shall not be less than four inches and a half; and for buildings of two stories the cross wall on the ground floor shall not be less than four inches and a-half; and for the construction of rooms on the first floor where no cross walls are under, stud partitions may be used, such stud partitions shall not be less than six inches, which shall include lath and plaster.

SECOND SCHEDULE.

FEES PAYABLE TO THE MUNICIPAL COUNCIL.

PART I.

 Fees for New Buildings.

For every building not exceeding six hundred feet in area, and not more than two stories in height ........................................ 1 10 0
For every additional story .................................................. 0 5 0
For every additional square of one hundred feet or fraction of such square .................................................. 0 2 6
But no fee shall exceed Ten Pounds. And for every building not exceeding four hundred square feet in area, and one story only in height ........................................ 0 15 0

 Fees for Additions or Alterations.

For every addition or alteration made in any building after the roof thereon has been covered, the fee shall be half of the fee charged for a new building.
For inspecting the arches of stone floors over or under public ways .................................................. 0 10 0
For inspecting the formation, of openings in party walls .................................................. 0 10 0

PART II.

For inspecting dangerous structures by direction of the Council .................................................. 1 0 0

N.B.—In this schedule "area" shall include the area of any attached building.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.