

BUILDING ACT 1984 SECTION 80, 81, 82 AND 83.

80

(1). This section applies to any demolition of the whole or part of a building - except: -

A. A demolition in pursuance of a demolition order made under the Housing Act 1957, and

B. A demolition: -

a. of an internal part of a building, where the building is occupied and it is intended that it should continue to be occupied,

b. of a building that has a cubic content (as ascertained by external measurement) of not more than (49.55m²) or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building or that greenhouse, conservatory, shed or prefabricated garage, or

c. without prejudice to sub-paragraph (II) above, of an agricultural building (as defined in section 26 of the General Rate Act 1967). Unless it is contiguous to another building that is not itself an agricultural building or a building of a kind mentioned in that sub-paragraph.

(2). No person shall begin a demolition to which this section applies unless: -

A. he has given the local authority notice of his intention to do so, and

B. either: -

The local authority has given a notice to him under section 81 below, or

The relevant period (as defined in that section) has expired.

(3) A notice under subsection (2) above, shall specify the building to which it relates and the work of demolition intended to be carried out, and it is the duty of a person giving such a notice to a local authority to send or give of it to: -

A. the occupier of any building adjacent to the building,

B. the British Gas Corporation, and

C. the Area Electricity Board in whose area the building is situated.

(4) A person who contravenes subsection (2) above is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

81.

(1) A local authority may give notice under this section to: -

A. a person on whom a demolition order has been served under the Housing act 1947

B. a Person who appears to them not to be intending to comply with an order made under section 77 above notice given under section 79 above, and

C. a person who appears to them to have begun or to be intending to begin a demolition to which section 80 above otherwise applies.

(2) Nothing contained in a notice under this section prejudices or affects the operation of any of the relevant statutory provisions, as defined in section 53(a) of the Health and Safety at Work etc. Act 1974: and accordingly, if a requirement of such a notice is inconsistent with a requirement imposed by or under the said Act 1974, the latter requirement prevails.

(3) Where: -

A. a person has given a notice under section 80 above, or

B. the local authority have served a demolition order on a person under the Housing Act 1947, a notice under this section may only be given to the person in question within the relevant period.

(4) In this section and section 80 above "the relevant period" means: -

A. in a case such as in subsection (3) (a) above, six weeks from the giving of the notice section 80 above, or such longer period as the person who gave that notice may in writing allow, and

B. in case such as in mentioned in subsection (3) (b) above, seven days after the local authority served a copy of the demolition order in accordance with the Housing Act 1947, or such longer period as the person on whom the copy was served in writing allow.

(5) It is the duty of the local authority to send or give a copy of a notice under this section to the owner and occupier of any building adjacent to the building to which the notice relates.

(6) It is also the duty of the local authority to send or give a copy of the notice under this section: -

A. if it contains such a requirement as is specified in section 82(1) (h) below, to the

B. if it contains such a requirement as is specified in section 82(i) below: -

I. to the fire authority, if they are not themselves the fire authority and

II. to the Health and Safety Executive, if the premises are special premises.

(7) In this section and section 82 below 2 special premises for which a fire certificate is required by virtue of regulations under the Health and Safety at work etc. Act 1974.

8.2.

(1) A notice under section 81 (1) above may require the person to whom it is given: -

A. to shore up any building adjacent to the building which the notice relates,

B. to weatherproof any surfaces of an adjacent building that are exposed to the demolition.

C. to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission act of any person engaged in it.

D. to remove material or rubbish resulting from the demolition and clearances of the site.

E. to disconnect and seal. At such points as the local authority may reasonably require, any sewer or drain in or under the building.

F. to remove any such sewer or drain, and seal any sewer or drain with which the sewer or drain to be removed is connected.

G. to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or (f) above.

H. to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building.

I. To make such arrangements with regards to the burning of structures or materials on the site as may be reasonably required: -

i) if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority and

ii) in any other case, by the fire authority, and

J. to take such steps relating to the conditions subject to which the demolition is to be undertaken, and the condition in which the site is to be left on completion of the demolition, as the local authority may consider reasonably necessary for the protection of the preservation of public amenity.

(2) No one shall be required under paragraph (C). (E) of (F) of subsection (1) above to carry out any work inland outside the premises on which the work of demolition are being carried out if he has no right to carry out that work, but, subject to section 101 below, the person undertaking the demolition, or the Local Authority Acting in his default, may break open any street for the purpose of complying with any such requirements.

(3) Before a person complies with a requirement under paragraph (A), (F) of (G) of subsection (1) above, he shall give to the local authority: -

a) at least 48 hours' notice, in the case of a requirement under paragraph (E) or (F), or

b) at least 24 hours' notice, in the case of requirement under paragraph (G), and person who fails to comply with this subsection is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) This section does not authorise interference with apparatus or work of statutory undertakers authorised by an enactment to carry on an undertaking for the supply of electricity, gas or water.

(5) Without prejudice to the generality of subsection (4) above, this section does not exempt a person from: -

a) the obligation to obtain any consent required under section 67 of schedule 3 to the Water Act 1954 (interference with valves and other apparatus) or section 68 of that schedule (alterations to supply pipes and other apparatus).

b) criminal liability under any enactment relating to the supply of gas or electricity, or

c) the requirement or regulations under section 31 of the Gas Act 1972 (public safety)

(6) Section 99 below applies in relation to a notice given under section 81(1) above.

8.3

(1) Section 102 below applies in relation to a notice given under section 81 above.

(2) Among the ground on which an appeal may be brought under section 102 below against such notice are: -

A. in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building that is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up.

B. in the case of a notice requiring any surface of an adjacent building to be waterproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of waterproofing these surfaces.

(3) Where the ground on which an appeal under section 102 below is brought include a ground specified under subsection (2) above: -

A. the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and

B. on the hearing of the appeal the court may make such orders as it thinks fit: -

I. in respect of the payment of, or contribution towards, the cost of the works by any such person, or

II. as to how any person expenses that may be recoverable by the local authority are to be borne between the appellant and any such person.