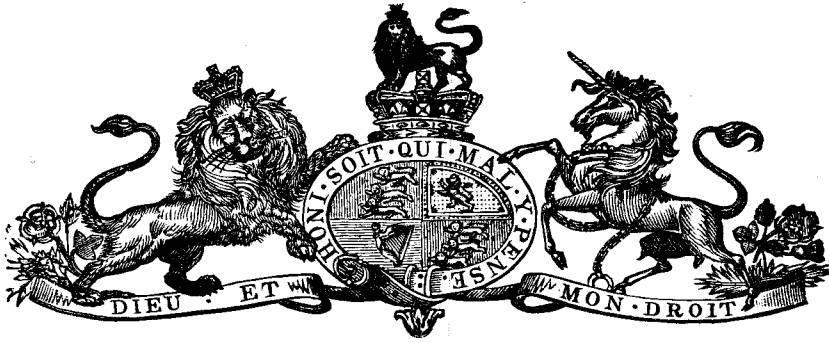


T A S M A N I A



1894.

ANNO QUINQUAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 32.

Amended by 59 Vict. No. 53
63 . . . 8

AN ACT to make better provision for regu- A.D. 1894.
lating by Law the Erection and Main-
tenance of Buildings in the City of
Launceston. [25th August, 1894.]

WHEREAS it is expedient to make better provision for regulating PREAMBLE.
by Law the erection and maintenance of Buildings in the City of
Launceston :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:—

Preliminary.

1 This Act may be cited for all purposes as "The Launceston Build- Short title.
ing Act, 1894."

2 This Act shall, except in cases where it is otherwise expressly Commencement
provided, come into operation on the First day of *January*, One of Act.
thousand eight hundred and ninety-five.

3 In the construction of this Act, if not inconsistent with the con- Interpretation of
text, the following terms shall have the respective meanings hereinafter certain terms in
assigned to them; that is to say,— this Act.

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- “Building” shall mean any structure which is either wholly or in part enclosed with walls and roofed, whether it be fixed on permanent foundations or not :
- “Outbuilding” shall mean any building which is contiguous, accessory, or a convenience to a dwelling, warehouse, workshop, or manufactory :
- “Shed” shall mean any fixed roof other than a verandah or balcony, which is not enclosed with walls but which may be built against a wall or with one wall only :
- “Public Building” shall mean every building used as a Church, Chapel, or other place of Public Worship ; also every Building used for purposes of Public Instruction ; and every Building used as a College, Public Hall, Concert Room, Hospital, Theatre, Public Ball Room, Public Lecture Room, Public Exhibition Room, or for any other public purpose : Provided that nothing in this Act shall apply to Buildings the property of Her Majesty :
- “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 used, or built in order to be used, as a separation of any Building from any other Building, with a view to the same being occupied by different persons : but if from any cause whatever the said wall shall cease to separate such Buildings, such wall shall thereupon become an external wall or partition, as the case may be :
- “Party Structure” shall include party walls, and also partitions, arches, floors and other structures separating Buildings, stories, or rooms which belong to different owners, or which are approached by distinct staircases, or separate entrances from without :
- “Partition” 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 :
- The “Area” of every Building shall be deemed to be the superficies of a horizontal section of such Building made at the point of its greatest surface, including the external walls and such portion of the party walls as belong to the Building, but excluding any attached Building the height of which does not exceed the height of the ground 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 of any part, of the rents or profits of any land or tenement, or in the occupation of such land or tenement, 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, or if there be no Master Builder or other person so employed, then the Owner of the Building or other person for whom or by whose order such work is to be done :
- “Council” shall mean the Municipal Council of the City of *Launceston* :

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“Surveyor” shall mean every such Surveyor who is appointed in pursuance of this Act, or whose appointment is hereby confirmed : A.D. 1894.

“Person” shall include a “Body Corporate” or other body of persons.

Limits of Act.

4 This Act shall extend to all places within the limits of the City of *Launceston*, as defined by *The Launceston Corporation Act*. Limits of Act.

5 This Act shall be divided into Six Parts :— Division of Act.

- 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 :
- iv. The Fourth Part relating to Miscellaneous Provisions :
- v. The Fifth Part relating to the Repeal of former Act, and to temporary provisions :
- vi. The Sixth Part relating to By-laws.

PART I.

REGULATION AND SUPERVISION OF BUILDINGS.

6 The following Buildings and Works shall be exempt from the operation of the First Part of this Act, excepting the clauses relating to Surveyors' Fees and the recovery of the same :— Buildings, &c. herein named exempt from operation of Part I. of this Act.

Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, and Wharf or Quay Walls :

The Buildings belonging to any Canal, Dock, or Railway Company, and used for the purposes of such Canal, Dock, or Railway, under the provisions of any Act of Parliament :

All Party Fence Walls, and Greenhouses, so far as regards the necessary woodwork of the sashes, doors, and frames :

Openings made into Walls or Flues for the purpose of inserting therein ventilating Valves of a superficial extent not greater than Forty square inches, if such Valves are not nearer than Twelve inches to any timber or other combustible material :

All outbuildings which, if built of wood are at least Ten feet distant from the back or side wall of any building, or, if built with timber studs, brick-nogged, and covered with iron, are at least Four feet distant from the back or side wall of any building :

All outbuildings which, if built of wood, are at least Five feet distant from the boundary line or lines of adjoining property or properties :

Sheds for business purposes erected on brick piers, or iron pillars, provided that three sides of the erection are open and afterwards kept open in their entirety, and that there is no subdivision or partition, and no fireplace, copper, boiler, or any such appliance in such sheds ; and provided likewise that

*see sec 3
59 Vic 53*

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such sheds are at least Twenty feet distant from the line of street :

Buildings, other than outbuildings, the external walls of which are chiefly or entirely of wood or iron outside, and beyond the line set forth in the Second Schedule annexed hereto, in so far as the materials of the walls and roofs are concerned, provided the eaves of such Buildings are not nearer than **Four** feet to the boundary line ; but if the dividing or external wall be built of not less than 8½-inch brick, stone, or concrete, they may be built on or within **Four** feet of the boundary line : Provided, that all party walls and external walls of such Buildings shall be carried up Fifteen inches above the roof, flat, or gutter of the highest adjoining building, and every such party wall shall extend Two and a quarter inches beyond the back and front walls, where such walls are of wood ; but such party walls to be otherwise subject to the Rules of the Act, and to the supervision of the Surveyor : Provided also, that when the walls of such buildings exceed Eight feet in height, the studs in the external walls shall not be less than Four inches wide and Two inches thick, and if there be two or more stories, then the studs of the lowest story shall be not less than Four inches wide and Two and a half inches thick, and the wall-plates shall be not less than Four inches wide and Two and a half inches thick and Five inches wide and Two inches thick respectively, if bedded on solid foundation, and One inch thicker if otherwise :

All necessary repairs, and any alteration or addition in or to any building or structure by way of embellishment or improvement that would not include additional rooms or other habitable space :

Provided always that all materials used in the construction of any such Buildings or Works as are mentioned in this Section shall be approved by a Surveyor.

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Provided also, that every privy or closet, whether already built or hereafter to be built in the yard or area of any building, must have a door and be properly enclosed, fenced, and screened from public view.

Application of Act, except exemptions before mentioned.

7 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.

Building, when deemed to be new.

8 A Building shall be deemed to be new whenever the enclosing walls thereof have not been carried higher than the footings previously to the First day of *December*, One thousand eight hundred and ninety-four ; any other Building shall be deemed to be an old Building.

Alterations of, and additions to, old buildings.

9 Any alteration in or to any Building, except that of necessary repairs, shall be subject to the Regulations of this Act ; and whenever mention is hereinafter made of any alteration in or to any Building, it shall, unless the contrary appears from the context, be deemed to imply any alteration to which this Act applies.

Rebuilding old buildings.

10 Whenever any old Building has been taken down, or otherwise demolished to an extent exceeding one-third of the whole external walls,

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such third to be measured in superficial 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. A.D. 1894.

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-third 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. Division of old Buildings separated by irregular partitions.

Walls.

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

Recesses and Openings.

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

Recesses and openings may be made in external walls : Provided—

- i. That the backs of such recesses are not of less thickness than four and a half inches ; and
- ii. That the area of such recesses and openings do not, taken together, exceed one-half of the whole area of the wall in which they are made.

Recesses may be made in party walls : Provided —

- i. That the backs of such recesses are not of less thickness than Nine inches ; and
- ii. That every recess so formed is arched over, and that the area of such recesses do not, taken altogether, exceed one-half of the whole area of the wall of the story in which they are made ; and
- iii. That such recesses do not come within One foot of the inner face of the external walls :

But 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 Wall, except Bressummers 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. As to timber in external Walls.

15 The following Rules shall be observed with respect to Bressummers, Timbers, and Piers :— Rules as to Bressummers.

- i. Every Bressummer 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 a timber or iron

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story post fixed on a solid foundation, in addition to its bearing upon any party wall, and the ends of such Bressummer shall not be placed nearer to the central line of the party walls than Four and a half inches :

- ii. No bond Timber or wood plate shall be built into the face of any party wall, and the ends of any beam or joist bearing on such walls shall be at least Two and one-fourth inches distant from the centre line of the party walls :
- iii. Every Bressummer 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 Bressummer :
- iv. Every opening, unless spanned by a Bressummer 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 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 :
- v. Every Pier, whether of brick or stone or other material, and every column, whether of timber or iron or other material, shall be borne on proper foundations, and shall, in the opinion of the Surveyor, be strong enough to carry the weight placed upon it.

Height and thickness of Parapets to external Walls next to adjoining owners.

16 All external Walls on the boundary next to or within Five feet of the boundary of an adjoining owner, or within Five feet of any other Building, must be carried up so as to form a Parapet One foot at the least above the highest part of the gutter, and the thickness of the Parapet so carried up must be at the least Eight and a half inches, reckoned from the level of the under side of the gutter-plate.

Height of Party Walls above roof.

17 Every Party Wall shall be carried up above the roof, flat, or gutter to such height as will give a distance of Eighteen inches measured at right angles to the slope of the roof, or Eighteen inches above the highest 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 the least Twelve inches higher and wider on each side than such erection ; and every Party Wall shall be carried up above any part of any roof opposite thereto and within Four feet from such Party Wall.

As to Chases in Party Walls.

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.

Rules as to Chimneys and Flues.

19 The following Rules shall be observed as to Chimneys and Flues :—

- i. Chimneys built on corbels of brick, stone, or other combustible materials, may be introduced above the level of

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the ceiling of the ground story, if the work so corbelled out does not project from the wall more than the thickness of 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: A.D. 1894.

- ii. Chimneys and Flues having proper doors of not less than Six inches square may be constructed at any angle, but in every other Chimney or Flue the angle shall be constructed of an obtuseness of not less than One hundred and thirty degrees, and shall be properly rounded:
- 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 Fourteen inches from the face of the wall, and the jamb on either side is of less width than Thirteen 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 the least be Eight and a 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 the 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 if in a party or external wall:
- 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 stonework all round, at the least Four inches thick, to a height of not less than Three feet above any roof, flat, or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter:
- x. The brickwork or stonework of any Chimney shaft, excepting that of the furnace of any steam-engine, brewery, distillery, or manufactory, shall not be built higher above the roof, flat, or gutter adjoining thereto, 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 as the level of such highest point in the line of junction, unless such Chimney shaft is built with, and bonded to, another Chimney shaft not in the same line with the first, or otherwise rendered secure: And the brickwork and stonework of every Chimney shaft of the furnace of any steam-engine, brewery, distillery, or manufactory shall be built of the height and in such manner and of such strength and dimensions as shall be directed by the Council in each particular case:
- xi. There shall be laid level with the floor of every story, before the opening of every Chimney, a slab of stone, slate, or other incombustible substance, at the least Twelve inches

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- longer than the width of such opening, and at the least Fifteen inches wide and three inches thick in front of the breast thereof:
- xii. On every floor, except the lowest floor, such slab shall be placed wholly upon stone or iron bearers, or upon brick or hard-wood trimmers, but on the lowest floor it may be bedded on the solid ground:
- xiii. The hearth or slab of every Chimney shall be bedded wholly on brick, stone, or other incombustible substance, and shall be solid for a thickness of Six inches at the 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 smokejacks:
 - Of forming openings for soot-doors, 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 restriction:—That no opening shall be made nearer than Nine inches to any timber or combustible substance:
- xvii. No timber or woodwork shall be placed in any wall or Chimney-breast nearer than Four and a half inches to the inside of any Flue or Chimney opening:
- Under any Chimney opening within Eighteen inches from the upper surface of the hearth of such Chimney opening:
 - Within Two inches from the face of the brickwork or stonework about any Chimney or Flue, where the substance of such brickwork or stonework is less than Eight and a half inches thick, unless the face of such brickwork or stonework is rendered:
 - And no wooden plugs shall be driven nearer than Six inches to the inside of any Flue or Chimney opening, nor any iron hold-fast or other iron fastening nearer than Two inches thereto.

Rules as to close
Fires and Pipes
for conveying
vapour, &c.

20 The following Rules shall be observed as to close Fires and Pipes for conveying heated Vapour or Water; that is to say,—

- i. 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 to any street or public way:

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- iii. No pipe for conveying heated air or steam shall be fixed nearer than Six inches to any combustible materials: A.D. 1894.
- iv. No pipe for conveying hot water shall be placed nearer than Three inches to any combustible materials:
- v. No pipe for conveying smoke or other products of combustion shall be fixed nearer than Nine inches to any combustible material:

And if any person fails in complying with the Rules of this Section he shall for each offence incur a penalty not exceeding Twenty Pounds, to be recovered before Two Justices of the Peace.

21 The Roofs of Buildings shall be constructed as follows; that is to say,— As to construction of Roofs.

- i. The roof of every building shall be provided with proper gutters or shall be otherwise so constructed as to prevent rain dripping from the eaves or otherwise from such Roof into any street or public place :
- ii. With the exception hereinafter mentioned, the flat, gutter, and roof of every building, and every turret, dormer, lantern light, skylight, or other erection placed on the flat or roof thereof, shall be externally covered either with hardwood shingles, or with slates, tiles, metal, or other incombustible materials; but every mansard, or curb-roof, shall be covered with slates, tiles, metal, or other incombustible except the doors, door-frames windows, and window-frames of such dormers, turrets, lantern lights, skylights, or other erections :
- iii. The plane of the surface of the roof of a warehouse or other building used either wholly or in part for purposes of trade or manufacture shall not incline from the external or party walls upwards at a greater angle than Forty-seven degrees with the horizon :
- iv. The Council may from time to time, by Notice in the *Gazette*, appoint and declare certain limits within the City of *Launceston* within which the roofs of buildings shall not be externally covered with Shingles or other combustible material, under such restrictions as the said Council may impose, and may in like manner amend or alter any such Notice, and may also in like manner restrict or enlarge such limits as aforesaid.

22 The following Rules shall be observed with respect to habitable Rooms in any Building; that is to say,— Rules as to habitable Rooms.

- i. Every habitable room hereafter constructed in any Building, except Rooms in the roof thereof, and Cellars, and underground rooms, shall be in every part at the least Nine feet in height from the floor to the ceiling :
- ii. Every habitable Room hereafter constructed in the roof of every building shall be, at the least, Eight feet in height from the floor to the ceiling throughout not less than one half of the area of such Room.
- iii. *As to Underground Rooms:*
No Room of a House, the surface of the floor of which Room is more than Three feet below the surface of the footway of the adjoining street, shall be occupied as a habitable

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apartment unless it possesses the following requisites; that is to say,—

Unless the same be in every part thereof at least Eight feet in height, measured from the floor to the ceiling thereof :

Unless the same be at least Three feet of its height above the surface of the footway of the street adjoining, or nearest to the same :

Unless there be outside of, and adjoining the same Room and extending along each outside wall, from Six inches below the level of the floor thereof up to the surface, an open area at least Three feet wide in every part, or unless there be outside of and adjoining the walls of the same room dry rubble stone packing at least Twelve inches in thickness from the bottom of the footings to the surface of the ground, and at the base of the packing a pipe drain of sufficient size and slope to carry away all subsoil water, or unless the walls of the room be lined with studs and boarding or lath and plaster, which lining must be kept at least Six inches distance from the walls, and the space so formed must be freely ventilated to the satisfaction of the Surveyor :

Unless the same shall be effectually drained and secured against the rise of effluvia from any sewer or drain :

Unless the same have a fireplace with a proper chimney or flue, or is otherwise properly ventilated :

Unless the same have an external glazed window of at least Nine superficial feet in area clear of the frame, and made to open in such manner as the Surveyor may approve :

Provided, that in any area adjoining a Room there may be placed steps necessary for access to such Room and over or across any such area there may be steps necessary for access to any Building above the Room to which such area adjoins, if the steps in such respective cases be so placed as not to be over or across any such external window; and whosoever knowingly suffers any 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 Room is inhabited; and any Room in which any person passes the night shall be deemed to be inhabited within the meaning of this Act.

Basements to
Buildings.

23 The basement of any new Building hereafter to be erected, unless specially exempted by the Local Board of Health, shall be made of concrete, asphalt, or other damp-proof material, well rammed and smoothed, and when finished not less than Two inches in thickness, so as to render the foundation of such Building, and the ground over which such Building is to be placed, dry, sound, and well drained, so that no water soakage or damp shall lodge there.

As to Party
Arches over
Public Ways.

24 Every Party Arch, and every arch or floor over any Public Way, or any passages leading to premises in other occupation, shall be formed of brick, stone, or other incombustible materials: If an arch of brick or

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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 when 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 incombustible material is used, it shall be constructed in such manner as may be approved by the Surveyor. A.D. 1894.

25 Every Arch under any Public Way shall be formed of brick, stone, or other incombustible materials: If an arch of brick or stone is used, it shall, in cases where its span does not exceed Ten feet, be 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 incombustible material is used, it shall be constructed in such manner as may be approved by the Surveyor. As to Arches
under Public
Ways.

- 26** The following Rules shall be observed as to Projections: Rules as to
Projections.
- i. Every coping, cornice, fascia, window dressing, and architectural projection whatsoever, and also the eaves or cornices to any overhanging roof, (except the cornices and dressings of the window fronts of shops, and except the eaves and cornices to detached and semi-detached dwelling-houses distant at least Five feet from any other building and from the ground of any adjoining owner), when constructed of wood, shall be protected by corbels of brick or other fire-proof material, carried out at least Two inches beyond any such projection:
 - ii. In streets or alleys of a less width than Thirty feet, any shop front may project beyond the external wall of the building to which it belongs for Five inches and no more, and any cornice of any such shop front may project Thirteen inches and no more, and, in any street or alley of a width greater than Thirty feet, any shop front may project Ten inches and no more, and the cornice may project for Eighteen inches from the external walls, but no more:
 - iii. 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, unless a pier or corbel of stone, brick, or other fire-proof material, Four and a half inches wide at the least, is built or fixed next to such adjoining premises as high as such woodwork is fixed, and projects an inch at the least in front of the face thereof:
 - iv. The roof, flat, or gutter of every building and every balcony, verandah, shop front, or other Projection must be so arranged and constructed, and so supplied with gutters and pipes, as to prevent the water therefrom from dropping upon or running over any public way:
 - v. Except in so far as is permitted by this Section in the case of shop fronts, and with the exception of water pipes and their appurtenances, copings, cornices, fascias, window dressings, and 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;

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Houses projecting beyond line of street when taken down to be set back.

Owners, &c. to remove future Projections on notice from Council.

Penalty on owners for refusing to remove Projections.

Council may remove the same and charge the expense to owners.

Council may remove existing Projections and make compensation for the same.

and the Surveyor shall have power at all times to fix and determine the general line of Building in any street or section of a street :

- vi. If any Building which shall in any part thereof project beyond the regular line of the street in which the same may be situate, or beyond the front of the building, wall, or railing, on either side thereof, shall at any time be taken down to be rebuilt or altered, it shall be lawful for the Council to require the same to be set backwards to such a line and in such a manner as the Council shall direct for the improvement of such street, the Council making full compensation to the owner of such building for any damage which he may sustain thereby :
- vii. If the Council shall consider any porch, shed, projecting window, step, cellar, door, or window, or steps leading into any cellar or otherwise, lamp, lamp-post, lamp-iron, sign, sign-post, sign-iron, show-board, window-shutter, wall, gate, fence, or opening, or any other projection or obstruction that hereafter may be placed or made against or in front of any house or building to be an annoyance, in consequence of the same projecting into, or being made in, or endangering, or rendering less commodious the passage along any street, it shall be lawful for them to give notice in writing to the owner or occupier of any such house or building to remove such Projection or obstruction, or to alter the same in such manner as the Council shall think fit ; and such owner or occupier shall, within Fourteen days after the service of such notice upon him, remove such Projection or obstruction, or alter the same in such manner as shall have been directed by the Council :
- viii. If the owner or occupier of any such house or building shall neglect or refuse, within Fourteen days after service of such notice upon him, to remove such Projection or obstruction, or to alter the same in such manner as shall have been directed by the Council, he shall forfeit and pay any sum not exceeding Five Pounds for every such offence ; and it shall be lawful for the Council to cause the same to be removed or altered, and all the charges for such removal or alteration shall be repaid to the Council by such owner or occupier, and in default of payment the same may be levied and recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered :
- ix. And with regard to all Projections or obstructions of a like kind as those before mentioned which have been erected, placed, or made against or in front of any house or building in any street before the commencement of this Act, it shall be lawful for the Council, if they shall consider any such Projection or obstruction to be an annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the passage along any street, to cause the same to be removed or altered as they shall think fit : Provided always, that the Council shall give notice in writing of such intended removal or alteration to the owner or occupier against or in front of whose house or building such Projection or obstruction shall be Seven

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days before such removal or alteration shall be commenced, and shall make every reasonable compensation (to be ascertained, in case of a dispute, by any Two Justices in any manner by this Act directed) to every person who shall incur any loss or damage by such removal. A.D. 1894.

27 The following Rules shall be observed as to the separation of Buildings and limitation of their Areas:—

- i. Every Building shall be separated by external or party walls from any adjoining Building:
- ii. Separate sets of chambers or rooms tenanted by different persons shall, if contained in a Building exceeding Three thousand six hundred square feet in area, be deemed to be separate Buildings, and be divided accordingly, so far as they adjoin vertically by party walls, and so far as they adjoin horizontally by party arches or fire-proof floors:
- iii. 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:
- iv. Every warehouse or other Building used either wholly or in part for 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.

Rules as to the separation of Buildings, and limitation of their Areas.

28 The following Rules shall be observed as to uniting Buildings:—

- i. No Buildings shall be united unless they are wholly in the same occupation:
- ii. No Buildings shall be united, if when so united they will, considered as one Building only, be in contravention of any of the provisions of this Act:
- iii. 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 fourth of an inch thick in the panel, at a distance from each other of the full thickness of the wall, fitted to rebated frames without woodwork of any kind:
- iv. Whenever any Buildings which have been united cease to be in the same occupation, any openings made in the party walls dividing the same shall be stopped up with brick or stonework of the full thickness of the wall itself, and properly bonded therewith.

Rules as to uniting Buildings.

29 Notwithstanding anything herein contained, every Public Building, including the walls, roofs, floors, galleries, and staircases, shall be constructed in such manner as may be approved by the Surveyor, or, in

Construction of Public Buildings.

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the event of disagreement, may be determined by the Council, and save in so far as respects the rules of construction, every Public Building shall throughout this Act be deemed to be included in the term Building, and be subject to all the provisions of this Act in the same manner as if it were a Building erected for a purpose other than a public purpose.

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 fireproof material.

Every Public Building occupied or intended to be occupied as a place of amusement or for the congregating of people together shall have such 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 without exception.

As to open spaces near dwelling-houses.

30 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 square feet.

No dwelling-house shall be built within the limits of the said City unless such dwelling-house has a clear space, uninterrupted by any house or building in other occupation for the entire length or breadth of such dwelling-house, and access to a street not less than Twenty feet in width, which space and access for their whole distance at and from such dwelling-house into such public street shall be not less than Twenty feet in width, and open to the sky, except in such cases as the frontage or width of such dwelling-house shall not amount to Twenty feet, in which case the space and access shall not be less in width than the frontage or width of such dwelling-house, and shall be open to the sky.

Council may fix limits within which certain Buildings shall not be erected.

31 It shall be lawful for the Council, by notice in the *Gazette*, at any time they may think fit, to appoint and declare certain limits within the City of *Launceston* wherein dwelling-houses below the annual assessment to be fixed by the Council for dwelling-houses within such limits shall not be built; and the Council may in like manner restrict or enlarge such limits as aforesaid: Provided, that no such notice shall take effect until the expiration of Three months after the first publication thereof.

Surveyor.

Buildings to be supervised by Surveyor.

32 With the exemptions hereinbefore mentioned, every Building, and every work done to, in, or upon any Building and affected by the Rules of this Act, shall be subject to the supervision of the Surveyor to be appointed as hereinafter mentioned:—

Appointment of Surveyor.

It shall be lawful for the Council, from time to time, to nominate and appoint, at such salary for his services as they shall think fit, a Building Surveyor or Surveyors, and it shall be lawful for the City Surveyor of the said City, and he is hereby empowered, to perform all the duties which by this Act are required to be performed by such Building Surveyor or Surveyors as aforesaid: Every such Surveyor so appointed by the said Council as aforesaid shall hold his office during the pleasure of the said Council, and

Surveyors to be under Council.

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be subject in the same manner as other Corporate Officers to their Regulations and Government : A.D. 1894.

It shall be the duty of every Surveyor for the said City, and he is hereby required, to have an Office at such place as the said Council may appoint. Surveyor to have Office.

33 Every Builder shall, previous to the commencement of the erection of any building, outbuilding, workshop, shed, or any structure within the limits of this Act, submit to the Local Board of Health the plans and specifications of the same, together with a tracing copy of such plans which shall clearly show the proposed position and dimensions of all drain pipes, ventilation of soil pipes, and means of ventilation of rooms and floor spaces. Such plans must be drawn to a scale of one-eighth of an inch to a foot, and must have all dimensions marked in plain figures. Plans and specifications to be submitted to Surveyor.

34—(1.) In the event of the plans and specifications of any Building being approved by the Local Board of Health as in the preceding Section described, the original plans and specifications will be returned to the Builder, but the tracing copy will be retained and carefully preserved. Copy of plans to be retained.

(2.) If the plans and specifications of any building are not approved by the Local Board of Health, such plans and specifications may be amended and submitted again to the Board for approval.

(3.) If the plans and specifications of any building which have been submitted to the Local Board of Health for approval are not approved by the Board or returned to the builder within Fourteen days after the same have been submitted for approval, the builder may proceed to erect such building in accordance with such plans and specifications.

Notice to Surveyor.

35 Two days before the following acts or event ; that is to say :— Notice to be given to Surveyor by Builder.

Two days before any Building or any work to, in, or upon any Building is commenced, and also if the progress of any such Building or work is, after the commencement thereof, suspended for any period exceeding Three months ;

Two days before such building or work is resumed, and also if during the progress of any such Building or work the Builder employed thereon is changed, then Two days before any new Builder enters upon the continuance of such Building or work ; it shall be the duty of the Builder engaged in building or rebuilding such Building, or in executing such work, or in continuing such Building or work, to give to the Surveyor notice in writing stating that work is about to be commenced upon or in such Building, 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.

36 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 observed 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, Surveyor to cause Rules of this Act to be observed.

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Limitation of proceedings for irregularities.

survey any Building or work hereby placed under his supervision, and cause all the Rules of this Act to be duly observed: Provided always, that when any such Building or work has been finished and completed, no proceedings (except in cases where due notice has not been given, and then within the period of One Month to be computed as hereinafter specified) shall be had or taken in respect of any irregularity in any Building affected by the Rules and directions of this Act.

Buildings not to be erected until sanction of Council obtained.

37 It shall not be lawful to erect any building, outbuilding, workshop, shed, or any other structure within the limits set forth in Schedule (3) until the sanction of the Council is obtained thereto; and it shall be compulsory for the builders to lodge working plans and specifications with the Building Surveyor Two days before the application for the sanction of the Council is made.

Notice to be evidence of intended Works.

38 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.

Penalty on Builders' neglecting to give Notice.

39 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, (unless with consent in writing under the hand of the Surveyor,) or executes or commences to execute any works without having previously deposited plans and specifications of the same with the Local Board of Health, or without having obtained the approval of the Board of Health for the same, such Builder shall, for every such offence, incur a penalty not exceeding Five Pounds.

Surveyor may enter and inspect Buildings affected by the Act.

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

Penalty for refusal.

Surveyor may enter Buildings to ascertain as to exempted Buildings.

41 The Surveyor may at all reasonable times enter any premises, with the exception of Buildings hereinbefore exempted by name, for the purpose of ascertaining whether any Buildings erected in such premises are in such a situation, or possess such characteristics as are hereinbefore required in order to exempt them from the operation of this Act; and he may do all such things as are necessary for the above purpose; and if any person refuses to admit such Surveyor to enter such premises, or to inspect any such Buildings, or neglects to afford to him all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding Twenty Pounds.

In case of emergency, works may be commenced without Notice.

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

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43 The following Rules shall be observed with respect to the erection of Hoardings :— A.D. 1894.

Every person who shall build, or begin to build, or take down, or begin to take down, any house or wall, or alter or repair, or begin to alter or repair, the outward part of any house or wall, shall cause to be put up a proper and sufficient Hoard, or Fence, or Scaffold, in all cases in which the footway shall be thereby obstructed or rendered inconvenient, with a convenient platform and hand-rail if there shall be room enough for the same, to serve as a footway for passengers outside of such Hoard or Fence, and shall continue such Hoard, or Fence, or Scaffold in such case as aforesaid, with such platform and hand-rail standing and in good condition to the satisfaction of the Surveyor, during such time as may be necessary for the public safety or convenience, and shall, in all cases in which the same shall be necessary to prevent accidents, cause such Hoard or Fence, except on clear moonlight nights, to be well lighted during the night; and every such person who shall fail to put up such Hoard, or Fence, or Scaffold, or such platform, with such hand-rail as aforesaid, or who shall not, whilst the said Hoard or Fence is standing, keep the same, except as aforesaid, well lighted during the night, shall for every such offence forfeit a sum not exceeding Five Pounds, and a further sum not exceeding Forty Shillings for every day during the continuance of such default.

Hoads to be erected before Building commenced, &c.

Penalty on not erecting Hoards, &c.

44 It shall not be lawful for any person to erect or set up in any street any Hoard, or Fence, or Scaffold, for any purpose whatever, or any posts, bars, rails, boards, or other things, by way of enclosure, for the purpose of making mortar or of depositing bricks, lime, rubbish, or other materials, without a Licence in writing first had and obtained from the Surveyor under his hand, and every such Licence shall state the name of the street in which, and the purpose for which, such Hoard or Fence or enclosure is to be made, and the size thereof, and the time for which it is to be permitted to continue.

No Hoard to be erected without Licence from Surveyor.

45 For every such Licence there shall be paid to the Surveyor a Fee according to a scale to be prepared by the Council, regulated with reference to the space of ground to be enclosed by such Hoard or Fence, or covered by such Scaffold, and the length of time for which such Hoard, or Fence, or Scaffold is to continue: Provided always, that the sum to be paid for such Licence shall not in any case exceed the sum of Ten Pounds.

Fee on Licence.

46 If any person shall erect or set up in any street any Hoard, or Fence, or scaffolding for any purpose whatever, or any posts, bars, rails, boards, or other things by way of enclosure, for the purpose of making mortar, or of depositing bricks, lime, rubbish, or other materials, without a Licence from the Surveyor, or shall do any such acts as aforesaid in any other manner than is permitted in any such Licence, or shall continue the same beyond the time stated in such Licence, or shall fail to keep any Hoard, Fence, platform, or hand-rail in good repair, he shall for every such offence forfeit a sum not exceeding Five Pounds, and a further sum not exceeding Forty Shillings for every day during the continuance of such offence; and it shall be lawful for the Surveyor to cause such Hoard, Fence, or scaffolding, or other enclosure or erection to be pulled down, and the materials thereof, and also all the bricks,

If Hoard be erected or materials deposited in any manner otherwise than to the satisfaction of the Surveyor, the same may be removed.

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mortar, lime, or other building materials, or other matters or things contained within the same, or thereto belonging, to be removed to the public Pound, there to be deposited and kept until the owner thereof, or his known servant, shall pay to the person in whose custody the same shall be the charges of pulling down and removing the same; and in case the same shall not be claimed and the said charges paid within the space of Eight days next after such seizure thereof, it shall be lawful for the Surveyor to order the same to be sold, and by and out of the proceeds of such sale to pay the costs and charges thereby incurred, rendering any surplus to the owner or other person by law entitled thereto: And it shall be lawful for the Surveyor to remove to such place as he shall think fit any rubbish or other matters which shall not be of sufficient value to take to the Pound; and in case the proceeds of such sale shall be insufficient to cover the costs, charges, and expenses incurred or occasioned by the pulling down of such Hoard, or Fence, or scaffolding, or other enclosure or erection, and of removing the materials thereof, and of other materials, matters, and things, and of selling and disposing of such materials, matters, and things, and of removing and carting away such rubbish and things as shall not be of sufficient value to take to the Pound, the deficiency shall be repaid by the owner of such materials, matters, and things to the Surveyor, on demand, and in default of payment the same may be levied and recovered in the same manner as penalties and forfeitures are by this Act directed to be levied and recovered.

Rules to be
observed in
respect of the
erection of
verandahs.

47 The following Rules shall be observed with respect to the erection of verandahs, porticoes, and awnings:—

- i. Any person desirous of erecting any verandah, portico, awning, shade, or other matter or thing over any footway or roadway in any street shall forward a plan and particulars of the same to the Council, and the Council shall, within Twenty-one days after the receipt of such plan and particulars, signify in writing under the hand of the Town Clerk their approval, upon such terms and conditions as they may decide upon, or their disapproval thereof: Provided, that no verandah, awning, shade, or other covering over footway shall be a less height than Nine feet from the surface of the footway, unless authorised by the Council, nor shall the barge boards or other covering at the ends thereof or any part of the roof structure be a greater vertical depth than Twelve inches.
- ii. Any verandah, portico, awning, shade, or other matter or thing in front of any building and projecting over any carriage or footway, and which has been so erected without the consent of the Council, shall be removed or altered as the Council may require, within One month after notice in writing under the hand of the Town Clerk to so remove or alter is served upon the owner or occupier; and in case the person so served fails to remove or alter as required, the Council may order the Surveyor to pull down such verandah, portico, awning, shade, or other matter or thing, and the Surveyor on such order shall pull down and remove same, and recover in a summary way all expenses incurred in such pulling down and removal: Provided, that in all such cases One month's notice shall be served by the

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Surveyor on the owner or occupier before he pulls down and removes as aforesaid. **A.D. 1894.**

- iii. Every verandah, portico, awning, shade, matter, or thing hereafter to be built or constructed over any carriage or footway shall be done under the superintendence and to the satisfaction of the Surveyor, and all now built or constructed, or hereafter to be built or constructed, shall be kept in such repair as shall be satisfactory to him.

Proceedings by Surveyor in case of irregularity.

48 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,

Notice by
Surveyor in case
of irregularity.

In case where due notice has not been given,

If the Surveyor, on surveying or inspecting any building or work, finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the Rules of this Act, or whether anything required by the Rules of this Act has been omitted to be done:

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

49 If the Builder to whom such Notice is given makes default in complying with the requisition thereof within such period of Forty-eight hours, the Surveyor may cause complaint of such non-compliance to be made before a Justice of the Peace, and such Justice shall thereupon issue a summons requiring the Builder so in default to appear before him; and if upon his appearance, or in his absence upon due proof of the service of such Summons, it appears to any two Justices that the 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 their opinion be authorised by this Act, within a time to be named in such Order.

On non-compliance with Notice, Justices to summon Builder, and Two Justices to make Order to comply with requisition.

50 If such Order is not complied with, the Builder to whom it is made shall incur a penalty not exceeding Five Pounds a day, to be recovered before any two Justices of the Peace during every day of the continuance of such non-compliance, and in addition thereto the Surveyor may, if he thinks fit, proceed with a sufficient number of workmen to enter upon the premises, and do all such things as may be necessary for enforcing the requisitions of such Notice, and for bringing any building or work into conformity with the Rules of this Act; and all expenses incurred by him in so doing, and in any such proceedings as aforesaid, may be recovered from the Builder on whom such Order

Penalty on non-compliance with Order of Justices.

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was made in a summary manner before any two Justices of the Peace, or may be recovered from the owner of the premises in the same manner in which expenses incurred by the Council in respect of dangerous Buildings are hereinafter directed to be recovered from any owner; and if the owner cannot be found, or if, on demand, he refuses or neglects to pay the aforesaid expenses, the Surveyor shall have the same power of taking and selling the Building in respect of which the Order is made, and of applying the proceeds, as is thereby given to the Council.

Penalty on workmen, &c. doing anything contrary to Rules of Act.

51 If any workman, labourer, servant, or other person employed in or about any Building wilfully, and without the privity or consent of the person causing such work to be done, does anything in or about such Building contrary to the Rules of this Act, he shall for each such offence incur a penalty not exceeding Fifty Shillings.

Fees.

Payments to Surveyor in respect of works.

52 There shall be paid to the Council for the time and services of the Surveyor incurred in causing the Rules and directions of this part of this Act to be observed, such Fees as shall from time to time be fixed and determined by the Council, and all such Fees shall be paid to the City Treasurer.

Council may appoint special Fees for services not provided for.

53 If any special service is required to be performed by the Surveyor under the First Part of this Act for which no fee may be specified, the Council may order such Fee to be paid for such service as they think fit, and by this Act shall have the same remedy for recovering such special Fee as is given for recovering any other Fee.

Periods when Surveyor entitled to Fees.

54 At the expiration of the following periods; that is to say,—

Of One month after the roof of any building surveyed by any 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 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 by Surveyor.

Surveyor to make Monthly Returns to Council.

55 The Surveyor shall make a Return to the Council, in such manner as they may appoint, of all notices and complaints received by him relative to his business, and the results thereof, and of all matters

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brought by him before any Justices of the Peace, and of all the several works supervised and special services performed by him in the exercise of his office, and of all Fees charged or received in respect thereof, and specify in such Return the description and locality of every Building built, rebuilt, enlarged, or altered, or on which any work affected by the Rules of this Act has been done, with the particular nature of every work in respect of which any fee has been charged or received.

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56 Every such Return shall be signed by such Surveyor, and shall be deemed to be 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.

Return duly signed to be a Certificate that works are agreeable to Act.

PART II.

DANGEROUS STRUCTURES.

57 Whenever it is made known to the Council that any building, wall, or other Structure is in a ruinous or a dangerous state, or is so far dilapidated as thereby to have become and to be unfit for use or occupation, or is a receptacle for filth, or from neglect or otherwise is unsightly or a disfigurement to the neighbourhood, the Council shall require a survey of such Structure to be made by the Surveyor, or by some other competent Surveyor, and it shall also be the duty of the Surveyor to make known to the Council any information he may receive with respect to any Structure being in such state as aforesaid.

Survey to be made of dangerous Structures.

58 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.

Surveyor, on completion of Survey, to give Certificate.

59 If such Certificate is to the effect that such Structure is not in a ruinous or dangerous state, no further proceedings shall be had in respect thereof; but if it is to the effect that the same is in a ruinous or dangerous state, the Council shall, if considered necessary by the Surveyor, 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.

Proceedings to be taken in respect of Certificates.

60 If the Owner or Occupier, to whom notice is given as last aforesaid, fails to comply as speedily as the nature of the case permits with the requisition of such Notice, the said Council may make complaint thereof before a Justice of the Peace; and it shall be lawful for any two Justices to order the Owner, or on his default the Occupier, of 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 other part thereof as appears to them to be in a ruinous or dangerous state, within a time to be fixed by such Justices; and in case the same is not taken down,

On non-compliance with Notice, Justices to summon owner, &c., and to make Order to comply with requisition.

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repaired, or otherwise secured within the time so limited, the said Council may, with all convenient speed, cause all, or so much of such Structure as is in a ruinous or 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, by virtue of the Second Part of this Act, shall be paid by the Owner of such Structure, but without prejudice to his right to recover the same from any Lessee or other person liable to the expenses of repairs.

If Owner cannot be found, Council may sell Structure, giving the surplus to Owner, &c.

61 If such owner cannot be found, or if, on demand, he refuses or neglects to pay the aforesaid expenses, the Council, after giving Three months' notice of their intention to do so, by posting a printed or written Notice in a conspicuous place on the Structure in respect of which, or of part of which they have incurred expense, or on the land whereon it stands, may sell such Structure, 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.

Payments, by or to the Council, how made.

62 All payments hereby directed to be made by or to the Council shall be made by or to the Town Clerk in the same manner in which payments are made by or to such Town Clerk in the ordinary course of his business; but the Council or other Officer shall not be liable in respect of any loss that may be sustained by any person in consequence of the exercise by the Council of the powers hereby given them, unless such loss happens through the wilful default of such Council or other Officer.

Surplus, how to be applied if no demand made for it.

63 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 Town, in the name of the Council, and be paid out to the Owner on his applying by petition, and proving his title thereto.

Fees to Council.

64 There shall be paid to the Council in respect of the services of the Surveyor under the Second Part of this Act, such Fees as may from time to time be directed by the said Council.

Council may appoint special Fees for services not provided for.

65 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 may be specified, the Council may order such Fee to be paid for such service as they think fit.

Fees to be deemed part of Expenses.

66 All Fees paid by the Council to any Surveyor, by virtue of the Second Part of this Act, shall be deemed to be expenses incurred by the Council in the matter of the dangerous Structure in respect of which such Fees are paid, and shall be recoverable by the Council from the Owner accordingly.

Justices of Peace may cause inmates to be removed from dangerous Structures.

67 In cases where a Structure has been certified by a Surveyor to be dangerous to its inmates, any two Justices of the Peace may, if satisfied of the correctness of such Certificate, upon the application of the Council, by Order under their hands direct any inmates of such Structure to be removed therefrom by a Constable or other Peace Officer.

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68 The Council may appoint such persons at such salaries, and make such Regulations, as they think fit for carrying into execution the Second Part of this Act; and all expenses incurred by them not hereby otherwise provided for shall be deemed to be expenses incurred by them in respect of the General Municipal Fund, and be payable accordingly.

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Powers of Council
to appoint
Officers.**PART III.**

PARTY STRUCTURES.

Preliminary.

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 to such Party Structure, shall be called the Building Owner, and the Owner of the other premises shall be called the Adjoining Owner.

Definition of
Building Owner
and 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—

Rights of Build-
ing Owner.

- 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 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 :
- v. A Right to raise any Party Structure or Wall permitted by this Act, subject to the following conditions :—
 - (a) If the Building Owner desires to build a Party Wall on the line of junction, he must serve notice thereof on the Adjoining Owner, describing the intended wall :
 - (b) If the Adjoining Owner consents to the building of a Party Wall, then the wall shall be built half on the ground of each of the two Owners :
 - (c) The expense of the building of the Party Wall shall be borne by the two Owners in proportion to the superficial extent thereof which they respectively make use of for Party Structure purposes :
 - (d) If the Adjoining Owner does not consent to the building of a Party Wall, then the Building Owner

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shall build the Wall as an external wall placed wholly on his own ground :

- (e) If the Building Owner does not desire to build a Party Wall on the line of junction, but desires to build an external wall placed wholly on his own ground, he shall serve notice thereof on the Adjoining Owner, describing the intended wall :
- (f) Where in either of the cases aforesaid the Building Owner proceeds to build an external wall on his own ground, he shall have a right at any time after the expiration of One month from the service of notice to place, at his own expense, on the ground of the Adjoining Owner the projecting footings of the external wall with concrete or other solid sub-structure thereunder, making compensation to the Adjoining Owner for any damage occasioned thereby :
- vi. 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 and decorations thereof :
- vii. A Right to cut into any Party Structure, upon condition of making good all damage occasioned to the adjoining premises by such operation :
- viii. 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 :
- ix. 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 :
- x. A Right to perform any other necessary works incident to the connection of Party Structure with the premises adjoining thereto :

But the above Rights shall be subject to this qualification, that any building which has been erected previously to the time of this Act coming into operation shall be deemed to be conformable with the provisions of this Act if it is conformable with the provisions of the Act 18th *Victoria*, No. 18, notwithstanding the same Act or any part thereof shall be by this Act repealed.

Rights of Adjoining Owner.

71 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 such Building Owner to comply with such requisition in all cases where the execution of the required works will

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not be injurious to the Building Owner, or to cause him unnecessary inconvenience or unnecessary delay in the exercise of his right; and any difference that arises between any Building Owner and Adjoining Owner in respect of the execution of such works as aforesaid shall be determined in manner in which differences between Building Owners and Adjoining Owners are hereinafter directed to be determined.

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72 The following Rules shall be observed with respect to the exercise by Building Owners and Adjoining Owners of their respective Rights:—

Rules as to the
exercise of Rights
by Building and
Adjoining
Owners.

- i. 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 provision 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:
- ii. The Notice so given shall be in writing or printed, and shall state the nature of the proposed work, and the time at which such work is proposed to be commenced:
- iii. No Building Owner shall exercise any right hereby given to him in such manner or at such time as to cause unnecessary inconvenience to the Adjoining Owner:
- iv. 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:
- v. Any Requisition so made by an Adjoining Owner shall be in writing or printed, and shall be delivered personally to the Building Owner within One month after the date of the notice being given by him, or be sent by Post in a registered letter addressed to him at his last known place of residence; it shall specify the Works required by the Adjoining Owner for his convenience, and shall, if necessary, be accompanied with explanatory plans and drawings:
- vi. If either Owner does not, within Fourteen days after the delivery to him of any Notice or Requisition, express his consent thereto, he shall be considered as having dissented therefrom, and thereupon a difference shall be deemed to have arisen between the Building Owner and the Adjoining Owner:
- 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 Surveyor, they shall each appoint a Surveyor, and the Two Surveyors so appointed shall select a Third Surveyor, and such One Surveyor, or Three Surveyors, or any Two of them, shall settle any matter 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

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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 Surveyor, or by such Three Surveyors, or any Two of them, shall be conclusive, and shall not be questioned in any Court, with this exception, that either of the parties to the difference may appeal therefrom to the Court held under the Act of the Parliament of *Tasmania* of the 31st *Victoria*, No. 15, or to any like Court of Requests, or Court for the recovery of Small Debts, which may be hereafter substituted in lieu thereof, such appeal to be made within Fourteen days from the date of the delivery of any such award as aforesaid ; and such Court may, subject as hereinafter mentioned, rescind or modify the award so given in such manner as it thinks just ; and in case any Court shall hereafter be substituted for the Court held under the said Act, 31st *Victoria*, No. 15, the Judge or Commissioner of such newly constituted Court shall stand in the room of the Commissioner mentioned and referred to in this Act, and shall have the like or similar jurisdiction and powers :
- ix. If either party to the difference makes default in appointing a Surveyor for Ten days after notice has been given to him by the other party in manner aforesaid to make such appointment, the party giving the notice may make the appointment in the place of the party so making default :
- x. The costs incurred in obtaining any such award as aforesaid shall be paid by such party as such One Surveyor, or Three Surveyors, or any Two of them, may determine :
- xi. If the appellant from any such award as aforesaid, on appearing before the said Court, declares his unwillingness to have the matter decided by such Court, and proves to the satisfaction of the Commissioner of such Court that, in the event of the matter being decided against him, he will be liable to pay a sum, exclusive of costs, exceeding Thirty Pounds, and give security, to be approved by such Commissioner duly to prosecute his Appeal, and to abide the event thereof, all proceedings in the said Court shall thereupon be stayed ; and it shall be lawful for such appellant to bring an Action in the Supreme Court of *Tasmania* against the other party to the difference : and the Plaintiff in such action shall deliver to the Defendant an Issue or Issues whereby the matters in difference between them may be tried ; and the form of such Issue or Issues in case of dispute, or in case of the non-appearance of the Defendant, shall be settled by the said Supreme Court ; and such Action shall be prosecuted and Issue or Issues tried in the same manner and subject to the same incidents in and subject to which Actions are prosecuted and Issues tried in other cases within the jurisdiction of the same Court, or as near thereto as circumstances admit :
- xii. 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

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to which other special cases are brought before such Court, or as near thereto as circumstances admit; and any costs that may have been incurred in the said Court of Requests 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.

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73 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 workmen employed for any of the purposes aforesaid, or wilfully damages or injures the said work, shall incur for every such offence a penalty not exceeding Ten Pounds.

Power for Building Owner to make entry on premises to effect works.

Penalty on persons obstructing.

74 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 Commissioner of the Court of Requests, for the payment of all such costs and compensation in respect of such work as may be payable by such Building Owner.

Security to be given by Building Owner, if required by Adjoining Owner.

75 The following Rules shall be observed as to expenses in respect of any Party Structure; that is to say,—

Rules as to Expenses in respect of Party Structure.

As to expenses to be borne jointly by the Building Owner and Adjoining Owner :

- I. 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 or Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such Structure :
- II. 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 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 Structure :
- III. 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 Structures that may be required by reason of such partition having been pulled down, shall be borne by the Building Owner and Adjoining Owner in due proportion, regard being had to the use that each Owner makes of such Party Structure, and to the thickness required to the respective buildings parted thereby :
- IV. 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

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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 arches or communications.

As to Expenses to be borne by Building Owner—

- v. 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 of 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; and if the Adjoining Owner shall at any time thereafter make use of any such party structure or external wall, or any part thereof, he shall repay to the Building Owner one half such Expense in respect of so much of the Structure or wall as he shall use as aforesaid:
- vi. 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:
- vii. If any Party Structure is cut into by the Building Owner, the Expense of cutting into the same, and of making good any damage hereinbefore required to be made good, shall be borne by such Building Owner:
- viii. 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.

Account of Expenses of Works to be delivered to Adjoining Owner within One month.

76 Within One month after the completion of any work which any Building Owner is by this Act authorised or required to execute, and the Expense of which is in whole or in part to be borne by an Adjoining Owner, such Building Owner shall deliver to the Adjoining Owner an Account in writing of the Expense of the work, specifying any deduction to which such Adjoining Owner or other person may be entitled in respect of old materials or in other respects; and every such work as aforesaid shall be estimated and valued at fair average rates and prices according to the nature of the work and the locality, and the market price of materials and labour at the time.

Adjoining Owner may appeal against Account.

77 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.

Building Owner may recover, if no Appeal made.

78 If within such period of One month as aforesaid the party receiving such Account does not declare, in manner aforesaid, his

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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. A.D. 1894. —

79 Where the Adjoining Owner is liable to contribute to the expenses of building any Party Structure, until such contribution is paid the Building Owner at whose expense the same was built shall stand possessed of the sole property in such Structure. Penalty on delay of payment by Adjoining Owner.

80 Where any Building Owner has incurred any Expenses on the requisition of any Adjoining Owner, the Adjoining Owner making such requisition shall be liable for all such Expenses, and in default of payment the same may be recovered from him as a debt. As to Expenses incurred on requisition of Adjoining Owner.

81 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 the 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 works is hereby limited to arise, and such Building Owner fails, within a reasonable time, to make good such damage, or to do such thing, he shall incur a penalty, to be recovered before a Justice of the Peace, not exceeding Twenty Pounds for each day during which such failure continues. Penalty on Building Owner failing to execute required works.

82 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 any 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,— Consent, how given on behalf of persons under disability.

By, on, or to a Husband, on behalf of his Wife:

By, on, or to a Trustee, on behalf of his *Cestuique* Trust:

By, on, or to a Guardian or Committee, on behalf of an Infant, Idiot, or Lunatic.

83 Where any Consent is required to be given, or any other thing to be done by any Owner in pursuance of this Act, if there is no Owner capable of giving such Consent, or of doing such thing, and no person empowered by this Act to give such consent, or to do such thing on behalf of such Owner, or if any Owner so capable, or any person so empowered cannot be found, the Commissioner of the said Court of Requests shall have power to give such Consent, or do or cause to be done such thing on behalf of such Owner, upon such terms and subject to such conditions as he may think fit, having regard alike to the nature and purpose of the subject-matter in respect of which such Consent is to be given, and to the fair claims of the parties on whose behalf such Consent is to be given; and such Commissioner shall have power to dispense with the service of any notice which would otherwise be required to be served. Consent, how given on behalf of persons not to be found.

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PART IV.

MISCELLANEOUS PROVISIONS.

Payment of
Expenses by
Owners.

84 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 hereinafter directed; that is to say,—

Appointment of
Arbitrator when
questions are to
be determined by
Arbitration.

Unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall, by writing under his hand, nominate and appoint an arbitrator, to whom such dispute shall be referred; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if, for the space of Fourteen days after any such dispute shall have arisen, and after a request in writing shall have been served by the one party on the other party to appoint an Arbitrator, such last-mentioned party fail to appoint such Arbitrator, then, upon such failure, the party making the request, and having himself appointed an Arbitrator, may appoint such Arbitrator to act on behalf of both parties, and such Arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single Arbitrator shall be final:

Vacancy of
Arbitrator to be
supplied.

If, before the matters so referred shall be determined, any Arbitrator appointed by either party die, or become incapable, or refuse, or for Seven days neglect to act as Arbitrator, the party by whom such Arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if, for the space of Seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other Arbitrator may proceed *ex parte*; and every Arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former Arbitrator at the time of such his death, refusal, or disability as aforesaid:

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Where more than One Arbitrator shall have been appointed, such Arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an Umpire to decide on any such matters on which they shall differ; and if such Umpire shall die, or refuse, or for Seven days neglect to act, they shall forthwith, after such death, refusal, or neglect, appoint another Umpire in his place, and the decision of every such Umpire on the matters so referred to him shall be final:

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—
Appointment of Umpire.

If in either of the cases aforesaid the said Arbitrators shall refuse, or shall, for Seven days after request of either party to such arbitration, neglect to appoint an Umpire, it shall be lawful for the Council, if they think fit, in any case in which a Railway Company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an Umpire; and the decision of such Umpire on the matters on which the Arbitrators shall differ shall be final:

Council empowered to appoint an Umpire, on neglect of the Arbitrator, in case of Railway Companies.

The said Arbitrators, or their Umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose:

Power of Arbitrators to call for books, &c.

Except where by this Act it shall be otherwise provided, the costs of and attending every such arbitration to be determined by the Arbitrators shall be in the discretion of the Arbitrators or their Umpires, as the case may be:

Costs to be in the discretion of the Arbitrators.

The submission to any such Arbitration may be made a Rule of the Supreme Court of *Tasmania* on the application of either of the parties:

Submission to Arbitration to be made Rule of Court.

- 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 to him by 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 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.

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Rules as to the
services of
Notices, Sum-
mons, and
Orders.

85 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 may in all cases be served either personally, or by leaving the same for him at his place of abode, or last known place of abode:
- 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 Notice, Summons, or Order may be served on any Surveyor by leaving the same at his Office.

Manner of
determining
differences.

86 In cases where jurisdiction is hereby given to the Court of Requests, such Court may, from time to time, make such Order in respect of matters so brought before it as it may think fit, with power to settle the time and manner of executing any work, or of doing any other thing, and to put the parties to the case upon such terms as respects the execution of the work, as it thinks fit; it shall also have power to award or refuse costs according to circumstances, and to settle the amount thereof.

Form of pro-
ceeding in Court
of Requests.

87 Proceedings in the Court of Requests, in respect of any matter arising under this Act, shall be conducted in the same manner as proceedings are conducted in any case within the ordinary jurisdiction of such Court; or as near thereto as circumstances permit, and Orders made by the Commissioner of such Court may be enforced by execution, committal, or otherwise, in a similar manner to that in which the Orders of such Court are ordinarily enforced.

Recovery of
Penalties.
19 Vict. No. 9.

88 All penalties and forfeitures incurred under this Act, and all fees, fines, moneys, costs, or expenses payable or recoverable by virtue of this Act, may be recovered summarily in manner directed by *The Magistrates Summary Procedure Act* before any Two Justices of the Peace, unless where otherwise directed.

Appropriation of
Penalties.

89 Any Two Justices of the Peace, in any case over which jurisdiction is hereby given to them, may make such Order as to the costs of any proceedings of which they have cognizance as they think

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just; they may also direct the whole or any part of any penalty imposed by them under this Act to be applied in or towards payment of the costs of the proceedings; and, subject to such direction, all penalties shall be paid into the hands of the Town Clerk of the said Town, and by him carried to the credit of the General Municipal Fund. A.D. 1894.

90 All other moneys received under this Act, and which are not otherwise specifically appropriated, shall be also paid to the said Town Clerk, who is hereby required to place the same to the credit of the General Municipal Fund. Appropriation of other Moneys.

91 In cases where any building has been erected or work done without due notice being given to the Surveyor, the Surveyor may, at any time within One month after he has discovered that such building has been erected or work done, enter the premises for the purpose of seeing that the Regulations of this Act have been complied with; and the time during which the Surveyor may take any proceedings, or do any thing 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. Provisions as to limitation of time when due notice has not been given.

92 In every case except in respect of fees of the Surveyor, in which jurisdiction is hereinbefore given to a Justice of the Peace, if either party to any such case is dissatisfied with the determination of the Justices so convicting in respect of any point of Law, or of the admission or rejection of any evidence, such party may, upon giving notice within Seven days to the other party of his intention to appeal, appeal therefrom to the Supreme Court of *Tasmania*, subject to this restriction, that no such Appeal shall be made by a Surveyor except with the consent of the Justices before whom the case is 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 Justices think fit. Power to appeal to Supreme Court.

93 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 Justices from whose decision the Appeal is made, and such case shall be transmitted by the Appellant to the Clerk of the Supreme Court, and be heard in manner provided by the practice of such Court. Form of Appeal.

94 No Writ or Process shall be sued out against any 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, and 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 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. Notice of Action.

Repealed by 63 Vict. No. 36

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PART V.

REPEAL OF FORMER ACT AND TEMPORARY PROVISIONS.

Repeal.

Repeal of former
Act and tem-
porary Provisions.

95 From after the commencement of this Act, *The Launceston Building Act*, 1869, as well as the Schedules, Rules, and forms thereunto annexed, and all By-laws passed by virtue of the same Act, are hereby repealed, subject to the following provisions; that is to say,—

- i. That such Repeal shall not affect any act, deed, matter, or thing done by virtue of *The Launceston Building Act*, 1869, before time when this Act takes effect :
- ii. That such Repeal shall not affect any proceedings authorised to be taken by *The Launceston Building Act*, 1869, in respect of any act, omission, penalty, matter, or thing, and pending before the Official Referees or any other Tribunal at the time of the commencement of this Act :
- iii. That, in cases where any act, omission, or thing has occurred previously to the time of the commencement of this Act, in respect of which, if this Act had not passed, proceedings might have been taken under *The Launceston Building Act*, 1869, then proceedings in respect of such act, omission, or thing may be had under this Act in manner following; that is to say,—if the matter in question is anything relating to the rights of Building and Adjoining Owners in respect of Party Structures, proceedings may be had in the said Court of Requests; but if the matter in question relates to the recovery of any penalty or to any other thing, proceedings may be had before any Justice of the Peace.

As to Contracts
made previously
to passing of Act.

96 Any Contract made previously to the passing of this Act for the erection of a new building shall be carried into effect in the same manner as if this Act had been passed at the time of the making thereof, and the necessary deviations from the terms of such contract may be made accordingly; and if any dispute arises in respect of any loss sustained by any party to such Contract by reason of such necessary deviation, such dispute shall be determined by the said Court of Requests: and whenever any costs or expenses have been paid by any Owner in pursuance of this Act, then, as to any structure held under any lease or agreement made previously to the commencement of this Act, it shall be lawful for such Owner to recover the same from the persons hitherto liable by Law, or by such existing lease or Contract, to maintain or repair the structure in respect of which such costs and expenses have been incurred.

Liabilities under
Contract between
Landlord and
Tenant.

97 Nothing herein contained shall vary or affect the rights or liabilities as between Landlord and Tenant under any contract between them.

Launceston Building.

98 In cases where any Iron or Wooden Building has been constructed or is in progress of construction previously to the time at which this Act comes into operation, and doubts are entertained whether such Building is permitted by Law, any person interested in such Building may make an application to the Council to signify their approval of such Building; and upon being satisfied of the stability of such Building, may approve of the same, and upon such approval being given, such Building shall be deemed to have been constructed in manner permitted by Law; and this Section shall come into operation immediately after the passing of this Act.

A.D. 1894.

As to Iron or Wooden Buildings constructed before this Act comes into operation.

PART VI.*By-laws.*

99 If, in the opinion of the Council, the Rules by this Act imposed shall be inapplicable, or that they require to be altered or amended, and that by the modification of such Rules or any or either of them the objects of the Act will be attained, it shall be the duty of the Surveyor from time to time to report in writing his opinion thereon, stating the grounds of such opinion to the Council; and if on the investigation thereof it shall appear to the Council that such opinion is well founded, it shall be lawful for the Council from time to time to direct by By-law that such modification be made in such Rules as will in the opinion of the Council give effect to the purposes of this Act; and such By-laws from time to time to alter, modify, amend, or repeal as the Council shall think fit.

Council empowered to modify Rules by By-Laws.

100 The publication of any such By-laws in *The Hobart Gazette* shall be sufficient evidence of the same By-laws, and that they are in full force and effect.

And to amend or repeal same.

Launceston Building.

A.D. 1894.

SCHEDULES.

FIRST SCHEDULE.

PRELIMINARY.

- Structure of Buildings.** 1. Every Building or other structure within the boundary mentioned in Schedule (I.) shall be enclosed with Walls constructed of brick, stone, concrete, or iron, and if built of iron, shall be framed with iron studs, plates, and braces.
- Construction of Walls of brick, stone, &c.** 2. Every Wall constructed of brick, stone, or other similar substances shall be properly bonded and solidly put together with mortar or cement, and no part of such Wall shall overhang any part underneath it, and all Return Walls shall be properly bonded together.
- Extra thickness of certain Stone Walls.** 3. The thickness of every Stone Wall shall be One-fourth more than the thickness stated in the Table for Brick Walls, but if the masonry is not laid in horizontal courses, and the stones on their natural bed and level, then the thickness thereof shall be One-third more.
- Thickness of Walls.** 4. The thickness of every Wall as hereinafter determined shall be the minimum thickness.
- Height of Story.** 5. The height of every topmost Story shall be measured from the level of its floor up to the under side of the tie of the roof, or up to half 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.
- Height of External and Party Walls.** 6. 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.
- Length of Walls.** 7. 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.
- Materials to be approved by Surveyor.** 8. The Materials used in the construction of all Buildings or Structures must be approved by the Surveyor.

PART I.

RULES FOR THE WALLS OF DWELLING-HOUSES.

- Thickness of Walls of Dwelling-houses.** I. The External and Party Walls of Dwelling-houses 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, and not more than Nine and a half inches in length, the heights of the Stories being subject to the condition hereinafter given.

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2.—TABLE.

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I.	II.	III.	IV.
Height up to 100 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Three Stories, 17½ Inches. Remainder, 13 inches.	Length up to 80 Feet. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 90 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 inches.	Length up to 70 feet. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 80 Feet.	Length up to 40 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 60 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 70 Feet.	Length up to 40 feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 55 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 60 Feet.	Length up to 30 Feet. One Story, 17½ Inches. Remainder, 13 Inches.	Length up to 50 Feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 50 Feet.	Length up to 30 Feet. Wall below the topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ inches.	Length up to 45 feet. One Story, 17½ Inches. Rest of Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. One Story, 21½ inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 40 Feet.	Length up to 35 Feet. Wall below Two topmost Stories, 13 Inches. Two topmost Stories, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. One Story, 17½ Inches. Rest of Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 30 Feet.	Length up to 35 Feet. Wall below Two topmost Stories, 13 Inches. Two topmost Stories, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 25 Feet.	Length up to 30 Feet. From base to top of Wall, 8½ Inches.	Length unlimited. Wall below topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	

Launceston Building.

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Explanation of Table.

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.

Qualification in case of certain Walls.

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.

Condition in respect of Stories exceeding a certain height.

5. If any Story exceeds 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 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.

Restriction in case of certain Stories.

6. No Story enclosed with Walls less than Thirteen inches in thickness shall be more than Fifteen feet in height.

Partition Walls.

7. All Partition Walls supporting joists shall be not less thickness than Four and a half inches, if built of brick, or studs Four inches wide and Two inches thick, lathed and plastered; but if carried up Two stories or more than the lowest story shall be brickwork, Eight and a half inches thick, or studs Five inches wide and Two inches thick, lathed and plastered.

Thickness of Walls built of materials other than such bricks as aforesaid.

8. 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 by the above Table, or of such less thickness as may be approved by the Council, with this exception, that in the case of Walls built of Stone in which the beds of the masonry are not laid horizontally no diminution shall be allowed in the thickness required by the foregoing Rules for such last-mentioned Walls.

Rule as to Buildings not being Public Buildings or Buildings of the Warehouse class.

9. 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 I .

RULES FOR THE WALLS OF BUILDINGS OF THE WAREHOUSE CLASS.

Definition of Warehouse class.

1. The Warehouse class shall comprise all Warehouses, Manufactories, Breweries, and Distilleries.

Thickness at Base.

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.

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3.—TABLE.

I.	II.	III.	IV.
Height up to 100 Feet.	Length up to 55 Feet. Base, 26 Inches.	Length up to 70 Feet. Base, 30 Inches.	Length unlimited. Base, 34 Inches.
Height up to 90 Feet.	Length up to 60 Feet. Base, 26 Inches.	Length up to 70 Feet. Base, 30 Inches.	Length unlimited. Base, 34 Inches.
Height up to 80 Feet.	Length up to 45 Feet. Base, 21½ Inches.	Length up to 60 Feet. Base, 26 Inches.	Length unlimited. Base, 30 Inches.
Height up to 70 Feet.	Length up to 30 Feet. Base, 17½ Inches.	Length up to 45 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 60 Feet.	Length up to 35 Feet. Base, 17½ Inches.	Length up to 50 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 50 Feet.	Length up to 40 Feet. Base, 17½ Inches.	Length up to 70 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 40 Feet.	Length up to 30 Feet. Base, 13 Inches.	Length up to 60 Feet. Base, 17½ Inches.	Length unlimited. Base, 21½ Inches.
Height up to 30 Feet.	Length up to 45 Feet. Base, 13 Inches.	Length unlimited. Base, 13 Inches.	
Height up to 25 Feet.	Length unlimited. Base, 17½ Inches.		

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 Conditions respecting Walls not more than Twenty-five feet distant from each other. Explanation of Table.

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 inches; and the intermediate 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, and joining the thickness at the base to the thickness at Sixteen feet below the top, as above determined; nevertheless in Walls not exceeding Thirty feet in height the Walls of the topmost story may be Eight inches and a half thick. Thickness at top of Walls and through intermediate space.

6. 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. Condition in respect of Stories exceeding a certain height.

7. 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 the Council, with this exception, that in the case of Walls built of stone in which the beds of the masonry are not laid horizontally, no diminution shall be allowed in the thickness required by the foregoing Rules for such last-mentioned Walls. Thickness of Walls built of materials other than such bricks as aforesaid.

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Cross Walls.

MISCELLANEOUS.

1. The thickness of a Cross Wall shall be Two-thirds of the thickness hereinbefore required for an external or Party Wall of the same dimensions, and belonging to the same class of buildings, but never less than Eight and a half inches, and no Wall subdividing any building shall be deemed to be a Cross Wall unless it is carried up to Two-thirds of the height of the external or Party Walls, and unless the recesses and openings therein do not exceed one-half of the vertical surface of the Wall in each story.

Extra thickness of certain Stone Walls.

2. The thickness of every Stone Wall in which the beds of the masonry are not laid horizontally shall be one-third greater than the thickness prescribed in the Rules aforesaid.

3. Buildings to which the preceding Rules are inapplicable require the special sanction of the Council.

S E C O N D S C H E D U L E.

Commencing at a point on the River Tamar One hundred feet distant in a south-westerly direction from the north-western corner of an allotment of land containing Three acres originally granted to Samuel Bryan and extending thence south-easterly from that point at a distance throughout of One hundred feet from the south-western side of that allotment and of One hundred feet from the south-western side of Wellington-street to a point distant One hundred feet beyond the south-eastern side of Canning-street, thence extending north-easterly from the last-mentioned point at a distance throughout of One hundred feet from the south-eastern side of Canning-street to a point One hundred feet beyond the north-eastern boundary of George-street, thence north-westerly by a line One hundred feet distant from the north-eastern side of George-street to a point distant One hundred feet from the south-eastern side of Elizabeth-street, thence north-easterly from that point by a line distant One hundred feet from the south-eastern side of Elizabeth-street to Welman-street, again from Arthur-street by a line bearing northerly One hundred feet distant from the north-eastern side of Welman-street to Adelaide-street, again extending north-westerly at a distance throughout of One hundred feet from the north-eastern side of Tamar-street to the River Tamar, and thence by that river to the point of commencement.

UNREPEALED PORTION OF 18 VICTORIA, No. 18. (*4th November, 1854.*)

Regulates businesses, offensive or noxious.

With regard to the following businesses; that is to say, — Blood-boiler, bone-boiler, fellmonger, parchment-maker, slaughterer of cattle, sheep, horses, or pigs, soap-boiler, tallow-melter, tripe-boiler, boiler down of sheep or cattle, and any other like business offensive or noxious, so far as relates to the carrying on of any such businesses or any of them in the neighbourhood of any public way or of other buildings of the first or dwelling-house class, it shall not be lawful hereafter for any person to establish or newly carry on any such businesses or any of them either in any building or vault or in the open air at a less distance than forty feet from any public way, or than fifty feet from any other such buildings of the first or dwelling-house class; and if any such businesses or any of them be now carried on in any situation within such distances, then from the expiration of the period of Twenty years next after the passing of this Act it shall cease to be lawful to continue to carry on such businesses or any of them in such situation; and if any person establish anew any such businesses or carry on any such businesses contrary to this Act, then on conviction thereof before Two Justices such person is hereby made liable to forfeit for every day during which such business shall be carried on a sum not exceeding Fifty Pounds as the said Justices shall determine; and it shall be lawful for the Justices also to award to the prosecutor such costs as shall be deemed reasonable; and if the offender either fail or refuse to pay such penalty and costs immediately after such conviction, then they may be levied by distress of the goods and chattels of the person convicted, or if there be no such distress, then such person shall be committed to the Common Gaol or House of Correction for any time not exceeding Six months at the discretion of such Justices, and that by Warrant under the hands and seals of Two or more Justices of the Peace.