



CHAPTER xcii.

An Act to amend the London Building Act 1930. A.D. 1935.
[2nd August 1935.]

WHEREAS by the London Building Act 1930 the enactments relating to streets and buildings in London were consolidated :

And whereas it is expedient that certain of the provisions of the said Act relative to the construction of buildings and structures should be revised and made more adaptable to changes of practice in relation to such construction :

And whereas it is expedient that the regulation and control of certain of the matters connected with such construction should be effected by means of byelaws made by the London County Council (in this Act referred to as "the Council") and that such byelaws should operate in substitution for provisions of the said Act :

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

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

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

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A.D. 1935. — present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title
citation
and con-
struction.

1. This Act may be cited as the London Building Act (Amendment) Act 1935 and the London Building Act 1930 (as amended by section 48 (Appointment of officers &c. of tribunal of appeal under London Building Act 1930) of the London County Council (General Powers) Act 1931) and this Act shall be read and construed as one Act and may be cited together as the London Building Acts 1930 and 1935.

Interpreta-
tion.

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

“ county ” means the administrative county of London ;

“ Minister ” means the Minister of Health ;

“ the principal Act ” means the London Building Act 1930.

(2) For the purposes of this Act a building or structure or part of a building or structure shall be deemed to be converted not only when it is structurally altered but also if and whenever any change is made in the purposes for which the building or structure or part is used or was intended to be used whereby in the opinion of the district surveyor the stability of such building or structure or part or the safety of persons occupying or resorting to such building or structure or part is or is likely to be affected.

Con-
struction
&c. of
buildings
and
structures.

3. The construction of every building or structure ~~the erection of which~~ is commenced after the passing of this Act and the conversion of any such building or structure or part of such building or structure or of a building or structure existing at the passing of this Act or part of such a building or structure shall be subject to and unless otherwise provided shall comply with the provisions of the principal Act and of this Act and of any byelaws made or having effect as if made in pursuance of this Act and in force for the time being.

4.—(1) The Council may make byelaws with respect to the following matters (that is to say):—

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Power to
Council to
make
byelaws.

- (a) the plans level width surface and inclination of streets;
- (b) the foundations and sites of buildings and structures;
- (c) the construction and conversion of buildings and structures and any part thereof;
- (d) the materials to be used in the construction or conversion of buildings and structures and any part thereof;
- (e) the description and quality of the substances of which plastering may be made;
- (f) the lighting and ventilation of buildings and structures and any part thereof and the ventilation of courts within buildings;
- (g) the dimensions of habitable rooms;
- (h) the prohibition of the occupation of habitable rooms which do not comply with all such provisions of the principal Act or of this Act or of any byelaws made in pursuance of this Act as are applicable thereto;
- (i) projections (within the meaning of section 79 (Rules as to projections) of the principal Act as in force at the date of the passing of this Act) from buildings and structures;
- (j) the height of chimneys of buildings and structures;
- (k) the construction or erection and the height of chimney shafts;
- (l) close fires in buildings and structures and flues or pipes for conveying smoke or other products of combustion heated air steam or hot water;
- (m) the taking of samples of building materials by the district surveyor;
- (n) the mode in which and the materials with which any excavation made within a line drawn outside the external walls of a building or structure and at a uniform distance therefrom of three feet shall be filled up;

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- (o) the means of escape in case of fire in all buildings which exceed sixty feet in height;
 - (p) lamps signs or other structures overhanging the public way not being within the city;
 - (q) matters connected with or ancillary to any of the foregoing matters (including the maintenance of any work or apparatus required to be executed or provided);
 - (r) the forms of notices and other documents to be used for the purposes of the principal Act and of this Act and of any byelaws made in pursuance of this Act and other like matters of procedure;
 - (s) the deposit with the district surveyor of any plans of buildings or structures submitted for his certificate.
- (2) In relation to the matters referred to in subsection (1) of this section the byelaws may—
- (a) provide for the giving of notices;
 - (b) require the deposit of plans elevations and sections and other particulars of or in connection with the work to be carried out by persons intending to carry out works to which the byelaws relate;
 - (c) prescribe the duties of the district surveyor in relation to any byelaws made in pursuance of this Act;
 - (d) in cases in which any metal is used or to be used in the construction or conversion of a building or structure or part of a building or structure authorise the district surveyor to require reasonable evidence of the quality of the metal so used or to be used to be furnished to him and to require the builder or other person causing or directing the work to be executed to make such tests and to drill such pillars as the district surveyor may deem necessary;
 - (e) require any matter or thing to be or any work to be carried out to the satisfaction or subject to the approval of the district surveyor or the Council as the byelaws may prescribe;

(f) regulate the amounts of the fees (other than the fees prescribed by the Fifth Schedule to the principal Act) to be paid to the district surveyor in respect of his duties under any byelaws made in pursuance of this Act. A.D. 1935.
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(3) The byelaws made by the Council in pursuance of this Act shall not be repugnant or contrary to the provisions of the principal Act save in so far as they may replace any of the provisions contained in the sections thereof and the schedules thereto which are mentioned in the schedule to this Act and shall not affect the operation of the Factory and Workshop Acts 1901 to 1929 the Cinematograph Act 1909 or any regulations or orders made under those Acts.

(4) For the purposes of any byelaws made in pursuance of this Act other than byelaws made in pursuance of paragraph (p) of subsection (1) of this section the expression "structure" shall not include a hoarding or similar structure used solely for the purpose of poster advertising.

(5) In any case in which a right of appeal against any requirement or action taken in pursuance of the principal Act is conferred by that Act a like right shall be reserved in respect of any byelaw relating to the same subject matter.

(6) Any byelaw with respect to the use of metal skeleton or reinforced concrete construction which relates to the stability of a building or structure or part of a building or structure shall be described in the byelaw as relating to the stability of a building or structure or part.

(7) Byelaws may be made from time to time with respect to any one or more of the subject matters with respect to which byelaws may be made or to different items of the same subject matter without prejudice to the making of byelaws with respect to any other subject matter or item.

(8) For the purpose of framing any byelaw in pursuance of this Act the Council may carry out such investigations and make such tests as they may deem expedient or may make arrangements with any person for the carrying out of any such investigations or tests.

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(9) Any necessary steps for or in connection with the making of byelaws in pursuance of this Act may be taken by the Council in the exercise of the powers conferred by this Act notwithstanding that at the time such steps are taken provisions of the principal Act are in force relating to the subject matter of any proposed byelaw.

Offences
against
byelaws.

5. Byelaws made in pursuance of this Act may contain provisions for imposing on persons offending against the byelaws penalties recoverable on summary conviction not exceeding the sum of fifty pounds and a daily penalty not exceeding ten pounds.

Local
authority to
administer
certain
byelaws.

6. Byelaws made in pursuance of paragraph (p) of subsection (1) of section 4 (Power to Council to make byelaws) of this Act shall be administered by the local authority.

Appeals to
court of
summary
jurisdiction.

7.—(1) Any person entitled under any byelaw made in pursuance of this Act to appeal to a court of summary jurisdiction may do so within a period of not more than fourteen days after the date of the service of the notice from the district surveyor of the requirement which is the subject of the appeal.

(2) Upon any such appeal the court of summary jurisdiction may make an order affirming such requirement or otherwise as they may deem just.

Procedure
as to
making of
byelaws.

8. The following provisions shall apply to the making of byelaws in pursuance of this Act :—

(a) Not less than two months before the making of any byelaw the Council shall—

(i) by advertisement in the London Gazette and at least one suitable technical journal and at least one daily newspaper circulating in the county give notice of their proposal to make a byelaw relative to the subject matter to be mentioned in the notice and of the manner in which objection may be made to the proposed byelaw ;

(ii) send a copy of every proposed byelaw to the Secretary of State the Minister the common council the council of every metropolitan borough the Ecclesiastical Commissioners the Royal Institute of British

Architects the Chartered Surveyors' Institution the Incorporated Association of Architects and Surveyors the Institution of Civil Engineers the Institution of Structural Engineers the London Chamber of Commerce (Incorporated) the Institute of Builders and the London Master Builders Association and to such other authority body or person as the Council think fit; and

(iii) deposit a copy of every proposed byelaw at the County Hall and until the making of the byelaw or the withdrawal of the proposed byelaw keep the said copy open at all reasonable hours to public inspection without payment;

- (b) Any authority body or person desirous of objecting to any proposed byelaw may do so within six weeks after the publication of the said advertisement by a letter addressed to the Minister setting out the grounds on which objection is made;
- (c) A copy of every valid objection to any proposed byelaw received by the Minister within the time specified in the immediately preceding paragraph of this section shall as soon as may be thereafter be sent by him to the Council:

Provided that any objection which in the opinion of the Minister discloses no reasonable grounds of objection or is otherwise frivolous or vexatious shall be deemed not to be a valid objection;

- (d) The Council shall take into consideration each valid objection of which a copy is received from the Minister and shall if they deem it expedient consult with the authority body or person objecting with a view to meeting the objection by an alteration of the proposed byelaw or otherwise;
- (e) In the case of any proposed byelaw in respect of which no valid objection has been received from the Minister or in respect of which all valid objections have been withdrawn by a letter

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addressed to the Minister by the authority body or person objecting the Council may at any time within fourteen months after the publication of the said advertisement make a byelaw in the form of the byelaw as proposed or as altered by the Council to meet any objection (as the case may be);

(f) (i) In any case in which any valid objection has not been withdrawn the proposed byelaw shall after the expiration of a period of four months after the publication of the said advertisement be considered by the Minister and the Minister shall after such consultation with the Council and the authority body or person objecting as the Minister deems expedient notify the Council whether in his opinion the byelaw should or should not be made by the Council in the form proposed or whether and if so in what manner it should be altered;

(ii) In any case in which the Minister has so notified the Council that in his opinion the byelaw should be made in the form proposed the Council may make the proposed byelaw in that form at any time within fourteen months after the publication of the said advertisement;

(iii) In any case in which the Minister has so notified the Council that in his opinion the proposed byelaw should not be made it shall not be lawful for the Council to make any byelaw in the form of the proposed byelaw;

(iv) In any case in which the Minister has so notified the Council that in his opinion the proposed byelaw should be altered it shall not be lawful for the Council to make the byelaw except in the form in which the Minister shall have notified the Council that the byelaw should be altered or in such other form as the Minister may approve but the Council may at any time within fourteen months after the publication of the said advertisement make the byelaw in the form as notified or approved by the Minister;

(g) The byelaws shall be made under the common seal of the Council;

- (h) Every byelaw when made shall be printed and a copy thereof shall be sent by the Council to the Minister and a copy thereof shall be deposited at the County Hall and shall at all reasonable hours be open to public inspection without payment and a copy thereof shall on application be furnished to any person on payment of such sum not exceeding one shilling for each copy as the Council may determine and the Council shall publish in one newspaper or more circulating in the county notice of such byelaw having been made stating the place at which the byelaw can be inspected and copies thereof obtained;
- (i) Every byelaw shall come into operation on the date fixed by the Council not being earlier than the date of publication of the notice of such byelaw having been made or if no date be so fixed at the expiration of one month after the date of such publication;
- (j) Section 39 (Procedure &c. for making byelaws) of the London County Council (General Powers) Act 1934 shall not apply to byelaws made in pursuance of this Act.

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9.—(1) The Council may on receipt of an application in relation to any particular building or structure or part of a building or structure modify or waive upon and subject to such terms and conditions (if any) as they think fit any of the requirements of any byelaw made or having effect as if made in pursuance of this Act.

Modifica-
tion or
waiver of
byelaws.

(2) Any such application shall be made in writing to the Council by or on behalf of the owner of the particular building or structure or of the particular part of such building or structure to which the application relates and shall state the nature and extent of and reasons for the proposed modification or waiver of the requirements of any byelaw and shall be accompanied by such plans sections elevations and particulars as may be prescribed by regulations made by the Council.

(3) (a) If it appears to the Council on receipt of any such application that the rights or interests of the owner of any premises adjoining the premises in respect of which application is made would be affected by the modification or waiver desired by the applicant

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A.D. 1935. the Council shall serve upon the owner of such adjoining premises notice of the application at least seven days before the day on which the application is to be considered stating therein the date of such consideration and informing him of his right to make representations to the Council thereon as hereinafter provided.

(b) Any owner of adjoining premises on whom notice of the application has been served as aforesaid may before the date stated in the said notice as that on which the application is to be considered make representations in writing to the Council with respect to the application and the Council shall have regard to any such representations at the same time as the application is considered.

(4) If the Council within a period of one month after the receipt of an application for the modification or waiver of any of the requirements of any byelaw made in pursuance of paragraphs (c) and (d) of subsection (1) of section 4 (Power to Council to make byelaws) of this Act with respect to the use of metal skeleton or reinforced concrete construction (other than a byelaw described therein as relating to the stability of a building or structure or part of a building or structure) fail to give notice to the applicant of their refusal thereof or of their decision to grant the application subject to any term or condition the Council shall be deemed to have decided to grant the application unconditionally.

(5) The Council shall keep at the County Hall a register of all decisions under this section modifying or waiving the requirements of any byelaw made in pursuance of this Act and such register shall show the terms and conditions (if any) on which any application for such modification or waiver has been granted and shall at all reasonable hours be open to public inspection without payment.

(6) The Council shall within three months after the passing of this Act give notice of the provisions of the immediately preceding subsection of this section by advertisement in one newspaper or more circulating in the county and in such other manner (if any) as they think fit.

(7) Any person dissatisfied with the refusal of the Council to modify or waive any of the requirements

of any byelaw made in pursuance of paragraphs (c) and (d) of subsection (1) of section 4 (Power to Council to make byelaws) of this Act with respect to the use of metal skeleton or reinforced concrete construction (other than a byelaw described therein as relating to the stability of a building or structure or part of a building or structure) or dissatisfied with any term or condition attached by the Council to any such modification or waiver may appeal to the tribunal of appeal. A.D. 1935.

(8) The provisions of subsection (2) of section 212 (Power for Council to annex conditions) of the principal Act shall apply to any term or condition attached by the Council to any such modification or waiver in pursuance of this section :

Provided that notwithstanding anything contained in item (ii) of paragraph (17) of section 222 (Offences against Act) of the principal Act every person who fails to comply with any term or condition attached to any modification or waiver of any of the requirements of any byelaw made or having effect as if made in pursuance of this Act shall be liable to a penalty not exceeding the sum of fifty pounds and to a daily penalty not exceeding ten pounds.

10.—(1) Subject to the provisions of section 13 (Saving for exemptions from principal Act &c.) of this Act where the expression “this Act” occurs in the principal Act it shall unless the context otherwise requires be construed as including a reference to the provisions of any byelaws made in pursuance of this Act. Construction of principal Act.

(2) Subject to the provisions of subsection (5) of section 12 (Repeals) of this Act section 233 (Application of Act to buildings erected before commencement of Act) of the principal Act shall in relation to any byelaws made in pursuance of this Act be read and construed as if for the words “before the commencement of this Act” there were substituted the words “before the coming into operation of any byelaw made in pursuance of the London Building Act (Amendment) Act 1935” and as if there were inserted after the words “the provisions of this Act” where those words secondly occur the words “and of any such byelaw.”

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Buildings in
progress.

11. Notwithstanding anything contained in this Act a building structure or work which has been commenced before and is in progress on the date on which byelaws made in pursuance of this Act and relating thereto come into operation or which is to be carried out under any contract entered into before that date shall unless the Council otherwise consent be completed subject to and in accordance with the provisions of the principal Act and of any byelaws made or having effect as if made in pursuance of that Act relating thereto in force immediately previous to such date.

Repeals.

12.—(1) Section 184 (Power to Council to make byelaws) and section 185 (Local authority to administer certain byelaws) of the principal Act are hereby repealed.

(2) Section 186 (Saving for city) of the principal Act is hereby repealed as from the date of the coming into operation of byelaws made in pursuance of this Act which replace byelaws made in pursuance of section 16 (Power to Board to make byelaws with respect to sites and foundations) of the Metropolis Management and Building Acts Amendment Act 1878 and section 31 (Power to Council to make byelaws with respect to materials for plastering and within three feet of sites) of the London Council (General Powers) Act 1890 and in force at the passing of this Act by virtue of paragraph (a) of subsection (2) of section 236 (Repeals) of the principal Act and such byelaws made in pursuance of this Act shall specify therein that they replace the said byelaws made in pursuance of the said sections of the said Acts of 1878 and 1890.

(3) Any byelaw in force at the passing of this Act by virtue of paragraph (a) of subsection (2) of section 236 (Repeals) of the principal Act shall have effect as if made in pursuance of this Act and may be enforced or amended or revoked accordingly.

(4) Any byelaw or group of byelaws made in pursuance of this Act which replaces or replace any enactment mentioned in the schedule to this Act or any regulation relating to reinforced concrete construction having effect as if made in pursuance of the principal Act shall specify the enactment or regulation so replaced and as from the date of the coming into operation of any such byelaw or group of byelaws such enactment is

hereby repealed to the extent specified in the third column of the said schedule and such regulation is hereby rescinded : A.D. 1935.

Provided that in any case in which an offence (being an offence for the continuance of which a penalty was provided) has been committed under any enactment or regulation so repealed or rescinded proceedings in respect of the continuance of the offence after such repeal or rescission may be taken under the byelaw or group of byelaws which replaces or replace the enactment or regulation in the same manner as if the offence had been committed under the byelaw made in pursuance of this Act.

(5) In any case in which on the coming into operation of a byelaw or group of byelaws made in pursuance of this Act an enactment in the principal Act or a regulation having effect as if made in pursuance of that Act which is replaced by such byelaw or group of byelaws is repealed or rescinded by virtue of this Act any reference in the principal Act to such enactment or regulation so replaced shall be construed as a reference to such byelaw or group of byelaws and such byelaw or group of byelaws shall apply to any building structure or work to which such enactment or regulation applied.

(6) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889 with regard to the effect of repeals.

13.—(1) Any buildings structures or works which are by the provisions of the principal Act or of section 83 (Exempting certain structures &c. of Board from provisions of London Building Acts) of the Metropolitan Water Board Act 1913 exempt from the operation of Parts VI and VII of that Act shall be exempt from the operation of any byelaws made in pursuance of this Act which replace any provisions contained in the said Parts VI and VII. Saving for exemptions from principal Act &c.

(2) Any byelaws made in pursuance of this Act which replace any of the general provisions of Parts V VI and VII of the principal Act and the First and Second Schedules thereto shall not apply to any building or work which is by virtue of section 227 (Buildings for supply of electricity) of the principal Act deemed

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A.D. 1935. to be a special building to which such general provisions
— do not apply.

(3) The provisions of section 228 (Exempting lands buildings and property of Inns of Court) of the principal Act shall extend to this Act and to any byelaws made in pursuance of this Act.

Expenses of
metro-
politan
borough
councils.

14. All expenses incurred by the council of a metropolitan borough in the execution of any of the provisions of this Act or of any byelaws made or having effect as if made in pursuance of this Act shall be defrayed out of the general rate authorised to be levied by them.

Costs of Act.

15. The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act shall be defrayed by the Council as expenses for general county purposes.

The SCHEDULE referred to in the
 foregoing Act.

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**ENACTMENTS REPEALED ON THE COMING INTO OPERATION
 OF BYELAWS.**

Session and chapter.	Short title.	Extent of repeal.
20 & 21 Geo. 5. c. clviii.	London Building Act 1930.	<p>Sections forty-eight and forty-nine. In section fifty-seven subsection (1). Sections fifty-eight and fifty-nine. In section sixty subsections (1) (2) (3) and (5). Sections sixty-one to sixty-three. Sections sixty-five to sixty-eight. In section sixty-nine subsections (1) to (18) and subsections (20) to (22). Sections seventy to seventy-two. In section seventy-three the words from " and " where that word first occurs to the word " families." Sections seventy-four to seventy-eight. In section seventy-nine paragraph (1) in paragraph (2) from the beginning of the paragraph to " and " where that word secondly occurs and paragraph (4). In section eighty subsections (1) and (2) and in subsection (3) from the beginning of the subsection to " materials." In section two hundred and twenty-two paragraphs (6) and (7). Second and Third Schedules.</p>

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