

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 237

TOWN AND COUNTRY PLANNING ACT

[1st January, 1972]

Act 14 of 1970
Act 24 of 1971.
Act 21 of 1972
SI. 95 of 1975
SI. 72 of 1976.
Act 23 of 1976.
Act 10 of 1977.
Dec. 2 of 1978.
Dec. 46 of 1978.

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PART I

Preliminary

- 1 This Act may be cited as the Town and Country Planning Act.

- 2 (1) In this Act, unless the context otherwise requires -

"access" means the reservation of land or the establishment of a permanent right of way or easement to permit entry to, from, over, under or across land for vehicular and pedestrian traffic and public services;

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" has a corresponding meaning;

"appointed day" means the day upon which this Act comes into operation;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"building or work" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly;

"building operations" includes rebuilding operations, structural alterations of or additions to buildings, and any excavations below ground level and any road works preliminary or incidental to the erection of buildings;

"building preservation order" has the meaning assigned to it by section 19;

"developer" means any person who intends to effect or effects any development;

"development" has the meaning assigned to it by section 7, and "develop" has a corresponding meaning;

"development order" has the meaning assigned to it by section 8;

"development plan" has the meaning assigned to it by section 4;

"engineering operations" includes the formation or laying out of means of access to roads;

"erection" in relation to buildings includes extension, alteration and re-erection;

"estate" means an aggregation of four or more parcels of land which are or were prior to any subdivision part of the same title whether in co-ownership or otherwise or in the same ownership;

"estate developer" means any person who creates an estate by subdivision or undertakes any development on an existing estate;

"functions" includes powers and duties;

"highway authority" means an authority responsible for the maintenance of a road;

"land" includes land covered with water, the sea-bed and buildings and other things attached to land, and in relation to the acquisition of land under Part VI includes any interest in or over land;

"minerals" includes all minerals and substances (including oil) in or under land of a kind ordinarily worked for removal by under-ground or by surface working;

"nature reserve" means a National Park, a Special Reserve or a Strict Natural Reserve, as defined in section 2 of the National Parks and Nature Conservancy Act;

"permission granted for a limited period only" has the meaning assigned to it by section 9;

"planning authority" means the Town and Country Planning Authority established by section 3;

"qualified access" means the reservation of land or the establishment of a permanent right of way or easement to permit entry to, from, under, over or across land for a particular right or rights;

"relocation of population or industry" means, in relation to an area of bad lay-out or obsolete development, the rendering available elsewhere than in that area, whether in an existing community or a community to be newly established, of accommodation for residential purposes or for the carrying on of business or other activities, together with all appropriate public services, facilities for public worship, recreation and amenity, and other requirements, being accommodation to be rendered available for persons or undertakings who are living or carrying on business or other activities in that area and whose continued location in that area would be inconsistent with the proper planning thereof;

"replacement of open space" means, in relation to an area of bad lay-out or obsolete development, the rendering of land available for use as an open space or otherwise in an undeveloped state in substitution for land in that area which is so used;

"review" means such a review as is described in section 4(1);

"road" means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridlepath, passage, or highway, whether a thoroughfare or not;

"statutory undertakers" means persons authorised by any written law to carry on any light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier, lighthouse or telecommunication undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and "statutory undertaking" has a corresponding meaning;

"subdivision" means any sale, partition, lease or dealing in land which has the effect of dividing land under one title whether in co-ownership or otherwise into two or more parcels for residential, commercial or industrial purposes (or a combination thereof);

"tree preservation order" has the meaning assigned to it by section 18;

"use" in relation to land, does not include the use of land by the carrying out of any building or other operations thereon.

(2) For the purposes of this Act a development plan is in force if it has become operative within the meaning of subsection (6) of section 6 so, however, that, as respects the period between the appointed day and the date when the first development plan under this Act becomes operative, the expression "the development plan in force" means the planning authority's proposals for such development plan.

PART II

Administration

3 (1) There shall be established for the purposes of this Act a body to be called the Town and Country Planning Authority.

(2) The provisions of the First Schedule shall have effect as to the constitution of the planning authority and otherwise in relation thereto.

PART III

Development Plans

4 (1) As soon as may be practicable after the appointed day, the planning authority shall, in such manner as to them appears most appropriate, carry out a review of the existing use and state of development of all land in Seychelles.

(2) As soon as may be practicable after the completion of such review, the planning authority shall prepare for the approval of the Minister a development plan for the whole of Seychelles, consisting of a report of the review, together with a plan indicating the manner in which the planning authority propose that land in Seychelles may be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development may be carried out.

(3) A development plan shall include such maps and such descriptive matter as may be necessary to illustrate the proposals aforesaid with such degree of particularity as may be appropriate to different parts of Seychelles; and a development plan may in particular -

- (a) define the sites of proposed roads, public and other buildings, and works, airfields, reclamation areas, nature reserves, parks, pleasure grounds and other open spaces;
- (b) allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;
- (c) designate, as land subject to compulsory acquisition -
 - (i) any land allocated by the plan for any Government purpose or for the purpose of any function of a local authority or of statutory undertakers;
 - (ii) any land comprised in an area defined by the plan as an area of comprehensive development (including any land therein that is allocated by the plan for any such purpose as is mentioned in subparagraph (i) of this paragraph), or any land contiguous or adjacent to any such area;
 - (iii) any other land that, in the opinion of the planning authority, ought to be subject to compulsory acquisition for the purpose of securing its use in the manner proposed by the plan.

(4) For the purposes of this section, a development plan may define as an area of comprehensive development any area that in the opinion of the planning authority should be developed or redeveloped as a whole, for any one or more of the following purposes, that is to say -

- (a) for the purpose of dealing satisfactorily with conditions of bad lay-out or obsolete development; or

- (b) for the purpose of providing for the relocation of population or industry or the replacement of open space in the course of the development or redevelopment of any other area; or
- (c) for any other purpose specified in the plan,

and land may be included in any area so defined, and designated as subject to compulsory purchase in accordance with the provisions of subsection (3), whether or not provision is made by the plan for the development or redevelopment of that particular land.

(5) A development plan shall not designate any land as land subject to compulsory acquisition if it appears to the planning authority that the acquisition is not likely to take place within ten years from the date on which the plan is approved.

(6) Where any land is designated by a development plan as subject to compulsory acquisition, then if at the expiration of twelve years from the date on which the plan, or the amendment of the plan (by virtue of which the land was first so designated) came into operation, any of that land has not been so acquired, any owner of an interest in the land may serve on the Minister a notice requiring the interest of the owner in the land to be so acquired and if, within six months after the service of that notice the interest of the owner in the land has not been so acquired, the development plan shall have effect, after the expiration of the said six months, as if the land in which the said interest subsists was not designated as subject to compulsory acquisition.

(7) Without prejudice to the provisions of subsections (3) and (4), a development plan may make provision for any of the matters mentioned in the Second Schedule.

5 (1) At least once in every five years after the date on which a development plan for any area is approved by the Minister, the planning authority shall carry out a fresh review of that area, and submit to the Minister a report of the review, together with proposals for any alterations or additions to the plan that appear to them to be required having regard to the review.

(2) Notwithstanding subsection (1), the planning authority may at any time submit to the Minister proposals for such alterations or additions to any development plan as appear to them to be expedient.

6 (1) The planning authority may, in the course of preparing a development plan relating to any land, or proposals for alterations or additions to any such plan, consult with such persons or bodies as they think fit.

(2) Notice shall be published in the Gazette and in at least one newspaper that the planning authority have prepared in draft any such plan or proposals for the amendment of any such plan, and of the place or places where copies of such plan or proposals may be inspected by the public.

(3) If any objection or representation with respect to any such plan or proposals is made in writing to the planning authority within one month of the publication of the notice referred to in subsection (2), the planning authority shall appoint a person to hold a public inquiry into the objection or representation and the planning authority shall, before submitting any such plan or proposals for the approval of the Minister, take into consideration the objection or representation together with the report thereon of the person holding the public inquiry.

(4) If as the result of any objection or representation considered, or public inquiry held, in connection with a development plan or proposals for amendment for such a plan, the planning authority are of opinion that any authority or person ought to be consulted before they decide to make the plan (either with or without modifications) or to amend the plan as the case may be, the planning authority shall consult that authority or person, but shall not be obliged to consult any other authority or person, or to afford any opportunity for further objections or representations or to cause any further public inquiry to be held.

(5) The approval of the development plan, or of proposals for amendment of such a plan, by the Minister shall be published in the Gazette and in at least one newspaper, and copies of any such proposals as approved by the Minister shall be available for inspection by the public.

(6) A development plan, or an amendment of a development plan, shall become operative on the date on which its approval by the Minister is published in the Gazette or on such later date as the Minister may determine.

PART IV

Control of Development of Land

7 (1) Subject to the provisions of this section and to the following provisions of this Act, permission shall be required under this part for any development of land that is carried out after the appointed day and any person who carries out any such development without permission under this Act, or without complying with any condition imposed by the Minister or Planning Authority in granting any such permission shall be guilty of an offence and liable on conviction to the penalties prescribed in section 15.

(2) In this Act, except where the context otherwise requires, the expression "development" means the carrying out of building, engineering, mining or other operations in, on, over or under any land, and the making of any material change in the use of any buildings or other land including any subdivision of land which is or is intended to be used for residential, commercial or industrial purposes, except that the following operations or uses of land shall be deemed for the purposes of this Act not to involve development of the land, that is to say -

- (a) the carrying out of works for the maintenance, improvement or other alteration of any building, if the works affect only the interior of the building or do not materially affect the external appearance of the building;
- (b) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, if the works are carried out on land within the boundaries of the road;
- (c) the carrying out by any statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
- (d) the use of any buildings or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;

- (e) the use of any land (not involving building operations) for the purposes of agriculture or forestry (including afforestation);
- (f) any other operation or use of land which may be prescribed;
- (g) subdivision of land solely for the partition of title between heirs or co-owners.

(3) Without prejudice to the provisions of any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building that is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

8 (1) The Minister shall, by order, provide for the grant of permission for the development of land under this part, and such permission may be granted -

- (a) in the case of any development specified in any such order, or in the case of development of any class so specified, by that order itself;
- (b) in any other case, by the planning authority on an application in that behalf made to them in accordance with the provisions of the order.

(2) The permission granted by any development order may be granted either unconditionally or subject to such conditions or limitations as may be specified in such order.

(3) Without restricting the generality of subsection (2), a development order that grants permission for any development may -

- (a) where permission is thereby granted for the erection, extension or alteration of any buildings, require the approval of the planning authority to be obtained with respect to the design or external appearance thereof;
- (b) where permission is thereby granted for development of any specified class, enable the planning authority to direct that that permission shall not apply either in relation to development in any particular area or in relation to any particular development.

(4) For the purpose of enabling development to be carried out in accordance with permission granted under this part, or otherwise for the purpose of promoting proper development in accordance with the development plan, a development order may direct that any enactment passed before the passing of this Act, or any regulations, rules, notice, order or bye-laws made (whether before or after the passing of this Act) under any such enactment, shall not apply to any development specified in the order, or shall apply thereto subject to such modifications as may be so specified.

(5) Every development order shall be laid before the People's Assembly as soon as may be after it is made, and if, within the period of forty days after the order is so laid before it, the People's Assembly resolves that the order be annulled, the order shall thereupon cease to have effect, but without affecting the validity of anything previously done thereunder or to the making of a new order.

9 (1) Subject to this section and section 10, where is made to the planning authority for permission to develop land, the planning authority may grant permission either unconditionally

or subject to such conditions as they think fit, or may refuse permission, and in dealing with any such application the planning authority shall have regard to the development plan in force, so far as material thereto, and to any other material considerations.

(2) Without restricting the generality of subsection (1), conditions may be imposed on the grant thereunder of permission to develop land -

- (a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;
- (b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period;
- (c) for requiring that the development to which the permission relates must be begun not later than a specified date or within a specified period;
- (d) for requiring that the development to which the permission relates must be completed not later than a specified date or within a specified period;
- (e) requiring a developer who effects a subdivision to ensure that any newly created parcel arising therefrom has, by reservation or otherwise as the authority considers fit, a clearly established and demarcated right of way and access to public services appropriate to the use for which the subdivision is intended or is likely to be put;
- (f) requiring an estate developer to undertake or provide for any matter or works set out in the Second Schedule which might have been provided for in a development plan for that area;
- (g) requiring any person to whom planning permission is granted to provide a monetary deposit as a bond or guarantee in a form acceptable to the planning authority for due performance of any conditions imposed in respect of the grant of that permission. Any deposit so made shall be refunded and any guarantee released upon fulfilment, to the satisfaction of the planning authority within the prescribed period, of the conditions so imposed,

and any permission granted subject to any such condition as is mentioned in paragraph (b) is in this Act referred to as permission granted for a limited period only.

(3) Where permission to develop land is granted subject to any condition imposed under subsection (2)(c) or (d), any development carried out after the date by which any such condition requires it to be begun or, as the case may be, to be completed shall be treated as development carried out without the grant of permission required in that behalf under this part.

(4) Provision may be made by a development order for regulating the manner in which applications for permission to develop land are to be made to, and dealt with by, the planning authority, and in particular -

- (a) for enabling the Minister to give directions restricting the grant of permission by the planning authority, during such period as may be specified in the directions, in respect of any such development, or in respect of development of any such class, as may be specified;
- (b) for requiring the planning authority, before granting or refusing permission for any development to consult with such authorities or persons as may be prescribed by the order or by directions given by the Minister thereunder;
- (c) for requiring the planning authority to give to any applicant for permission, within such time as may be prescribed by the order, such notice as may be so prescribed as to the manner in which his application has been dealt with;
- (d) for requiring the planning authority to furnish to the Minister, and to such other persons as may be prescribed by or under the order, such information as may be so prescribed with respect to applications for permission made to them, including information as to the manner in which any such application has been dealt with.

(5) The Minister or the planning authority may, if it appears desirable for the more expeditious administration of this Act, delegate in writing to a designated planning officer authority to grant permission to develop land in cases of small, limited or minor developments as the Minister or authority may define, subject always to the provisions of this Act and to any directives, guidelines, or conditions issued or imposed by the Minister or the authority to the officer.

(6) Where it appears to the planning authority either as a result of any application for planning permission under the Act, or on its own initiative that any estate already existing is deficient in its layout, arrangements for access or provision of public services, it may prepare a development plan for the area. The provisions of Part Three and the Second Schedule shall apply to such a plan regardless of whether or not there is in operation a development plan for the whole of Seychelles prepared under section 4(2).

(7) The planning authority shall keep, in such manner as may be prescribed by the development order, a register containing such information as may be so prescribed with respect to applications for permission made to the planning authority, including information as to the manner in which such applications have been dealt with; and every such register shall be available for inspection by the public at all reasonable hours.

10 (1) The Minister may give directions to the planning authority requiring that any application made to the authority for permission to develop land, or all such applications of any class specified in the directions, be referred to him instead of being dealt with by the planning authority, and any such application shall be so referred accordingly.

(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of subsections (1) and (2) of section 9 shall apply, subject to any necessary modifications, in relation to the determination of the application by the Minister as they apply in relation to the determination of such an application by the planning authority.

(3) Before exercising any of the powers conferred by this section the Minister may, if he considers it expedient so to do, appoint one or more persons to inquire into and make recommendations on such matters as he may specify. Such person or persons shall keep or cause to be kept a record of any evidence taken and shall report their findings and make

recommendations, to the Minister. The Minister shall consider the record, if any, the report and the recommendations, but he shall not be bound to follow such recommendations.

(4) The decision of the Minister on any application referred under this section shall be final and shall not be questioned in any court.

11 (1) Where application is made under this part to the planning authority for permission to develop land, or for any approval of that authority required under a development order, and that permission or approval is refused by the authority, or is granted by them subject to conditions, then if the applicant is aggrieved by their decision he may, by notice served within the time, not being less than twenty-eight days from the receipt of notification of their decision, and in the manner prescribed by the development order, appeal to the Minister.

(2) Notwithstanding subsection (1), the Minister shall not be required to entertain an appeal under subsection (1) in respect of the determination of an application for permission to develop land if it appears to him that permission for that development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 9 and of the development order, and to any directions given under that order.

(3) Where an appeal is brought under this section from a decision of the planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the planning authority, and subsections (2), (3) and (4) of section 10 shall apply, subject to any necessary modifications, in relation to the determination of an appeal by the Minister under this section as they apply in relation to the determination by the Minister of an application referred under subsection (1) of section 10.

(4) Unless within such period as may be prescribed by the development order, or within such extended period as may at any time be agreed upon in writing between the applicant and the planning authority, the planning authority either -

- (a) give notice to the applicant of their decision on any application for permission to develop land, or for any approval required under a development order, made to them under this part; or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 10,

the provisions of subsection (1) of this section shall apply in relation to the application as if the permission or approval to which it relates had been refused by the planning authority and as if notification of their decision had been received by the applicant at the expiration of the period prescribed by the development order or the extended period agreed upon as aforesaid, as the case may be.

12 (1) The power to grant permission to develop land under on this part shall include power to grant permission for the retention on land of any buildings or works constructed or planning carried out thereon before the date of the application, or for the continuance of any use of land instituted before that date (whether without permission granted under this part or in accordance with permission so granted for a limited period only); and references in this part to permission to develop land or to carry out any development of land, and to applications for such permission, shall be construed accordingly.

(2) Any such permission as is mentioned in subsection (1) may be granted so as to take effect from the date on which the buildings or works were constructed or carried out, or the use was instituted, or from the expiration of the said period, as the case may be.

(3) Where permission is granted under this part for the erection of a building, the grant of permission may specify the purposes for which the building may be used; and if no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed.

(4) Where permission to develop land is granted under this part, then, except as may be otherwise provided by the permission, the grant of permission shall enure for the benefit of the land and of all persons for the time being interested therein, but without prejudice to the provisions of this part with respect to the revocation and modification of permission granted thereunder.

(5) Where permission to develop land is granted under this part for a limited period only, nothing in this part shall be construed as requiring permission to be obtained thereunder for the resumption, at the expiration of that period, of the use of the land for the purpose for which it was normally used before the permission was granted.

(6) In determining for the purposes of subsection (5) the purposes for which land was normally used before the grant of permission, no account shall be taken of any use of the land begun in contravention of the provision of this part.

13 (1) Subject to the provisions of this section, if it appears to the Minister that it is expedient, having regard to the development plan and to any other material considerations, that any permission to develop land granted on an application made in that behalf under this part should be revoked or modified, the Minister may, by order, revoke or modify the permission to such extent as appears to him to be expedient as aforesaid.

(2) The power conferred by this section to revoke or modify permission to develop land may be exercised -

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission relates to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification or permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

(3) Where permission to develop land is revoked or modified by an order made under this section, then if, on a claim made to the Minister within six months of the making of the order, it is shown that any person interested in the land has incurred expenditure in carrying out work that is rendered abortive by the revocation or modification, or has otherwise sustained loss or material damage that is directly attributable to the revocation or modification, the Government shall pay to that person compensation in respect of that expenditure, loss or damage.

(4) No compensation shall be payable under subsection (3) in respect of loss or damage consisting of the depreciation in value of any interest in the land by virtue of the revocation or modification.

(5) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this section in respect of any work carried out before the grant of the permission that is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.

(6) Where permission for the development of land granted by a development order has been withdrawn, whether by the revocation or amendment of the order or by the issue of directions under powers in that behalf conferred by the order, then, if, on an application made in that behalf under this part, permission for that development is refused or is granted subject to conditions other than those previously imposed by the development order, the foregoing provisions of this section shall apply as if the permission granted by the development order had been granted by the planning authority under this part and had been revoked or modified by an order under this section.

(7) Where the permission that is revoked or modified by an order under this section is permission for which compensation would be payable under Part V in the circumstances therein mentioned, the provisions of sections 25, 28 and 29 shall apply as if for references in section 25 to the refusal of the permission or the imposition of conditions on the grant thereof there were substituted references to the revocation of permission or the modification thereof by the imposition of conditions, and subsection (1) of section 25 shall have effect as if for the words "if the permission had been granted or had been granted unconditionally" there were substituted the words "if the permission had not be revoked or had not been modified".

(8) Where, by virtue of the provisions of this section, compensation is payable in respect of expenditure incurred in carrying out any work on land, then if the Government purchases any interest in that land, or a claim for compensation is made in respect of any such interest under section 25 any compensation payable in respect of the acquisition of that interest or, as the case may be, any compensation payable in respect of the interest under section 25, shall be reduced by an amount equal to the value of the works in respect of which compensation is payable under this section.

14 (1) If it appears to the planning authority that any development of land has been carried out after the appointed day without the grant of permission required in that behalf under this part, or that any conditions subject to which such permission was granted in respect of any development have not been complied with, then the authority may at any time, if they consider it expedient so to do having regard to the provisions of the development plan in force and to any other material considerations, serve on the owner and occupier of the land a notice under this section.

(2) Any notice served under this section (hereinafter called an "enforcement notice") shall specify the development that is alleged to have been carried out without the grant of such permission as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the development took place, or for securing compliances with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Where or to the extent that the enforcement notice requires any person not to proceed with or to stop any subdivision of land or any building, engineering, mining or other operations in, over or under any land, that prohibition shall notwithstanding any appeal under subsections (4) or (6) come into effect immediately on service of the notice, but where or to the extent that any notice requires any person to restore any land to any previous condition or use or to demolish or alter any building or works undertaken prior to the service of the notice, it shall come into effect thirty days after the service of that notice or of the final determination of any appeal therefrom whichever is the later.

(4) Any person on whom an enforcement notice is served under this section may appeal to the planning authority against such notice within 30 days of its service giving reasons why the notice should be withdrawn or amended or why planning should be granted in respect of any matter prohibited or complained of in the enforcement notice.

(5) If on receipt of any appeal to the planning authority it appears to the Minister or Chairman of the authority that there is a prima facie case for the withdrawal or amendment of the enforcement notice or the grant of any planning permission applied for therein, then he may without prejudice to the outcome of the appeal suspend the operation of the enforcement notice temporarily, in whole or in part, pending the final decision on the appeal.

(6) If any person on whom an enforcement notice is served under this section is aggrieved by the enforcement notice, he may, at any time within thirty (30) days of the service of the notice or of the issue of the decision of the planning authority on any appeal under subsection (4) whichever is the later, appeal against the enforcement notice to the Supreme Court; and on any such appeal the court -

- (a) if satisfied that permission was granted under this part for the development to which the enforcement notice relates, or that no such permission was required in respect thereof, or, as the case may be, that the conditions subject to which such permission was granted have been complied with, shall quash the enforcement notice to which the appeal relates;
- (b) if not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal.

(7) Where the enforcement notice is varied or the appeal is dismissed, then, without prejudice to subsection (3), the court may, if it thinks fit, direct that the enforcement notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as the court thinks fit.

(8) The decision of the Supreme Court on any such appeal shall be final.

15 (1) If within the period specified in an enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, the Government may enter on the land and take those steps, and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses reasonably incurred by the Government in that behalf; and if that person, having been entitled to appeal to the court under section 14, failed to make such an appeal, he shall not be entitled in

proceedings under this subsection to dispute the validity of the action taken by the Government upon any ground that could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under section 14 in respect of any development, and any sums paid by the owner of any land under subsection (1) of this section in respect of the expenses of the Government in taking steps required to be taken by such an enforcement notice, shall be deemed to be incurred or paid for the use and at the request of the person by whom the development was carried out.

(3) Any person who effects any subdivision or development of any land without any permission required under this Act, or in contravention of any enforcement notice, or who fails to comply with any conditions imposed by any planning permission or with any lawful directives set out in any enforcement notice, shall be guilty of an offence and liable on conviction-

- (a) if the offence relates to any unlawful sub-division of land, to a fine not exceeding R.10,000 for every subdivision made contrary to the provisions of this Act;
- (b) in relation to any other offences to a fine not exceeding R.10,000 for each such offence;
- (c) in either type of offence to imprisonment for a term not exceeding three months or to both such imprisonment and fine; and
- (d) in the case of an offence which was repeated or continued after the service of an enforcement notice in relation thereto, an additional fine not exceeding R.2,000 in respect of every unlawful subdivision made after the service of the said notice or in respect of any other offence for every day during which the prohibited use or acts or the failure to comply with any lawful directive or condition continued after the day following the service of the notice.

(4) Nothing in this part shall be construed as requiring permission to be obtained thereunder for the use of any land for the purpose for which it could lawfully have been used under this part if the development in respect of which an enforcement notice is served under section 14 had not been carried out.

16 (1) Subject to this section, where an enforcement notice has been served under section 14 on the person who was, when the notice was served on him, the owner of the land to which the enforcement notice relates, and within the period specified in the enforcement notice, or within such extended period as the Minister may allow, any steps required by the enforcement notice to be taken (other than the discontinuance of any use of land) have not been taken, that person shall be liable on conviction to a fine not exceeding R.4,000 or imprisonment for a term not exceeding six months or to both such fine and imprisonment and, in case of a continuing offence to a further fine not exceeding R.500 for every day after the first day during which the requirements of the enforcement notice (other than the discontinuance of any use of land) remain unfulfilled.

(2) If a person against whom proceedings are brought under this section has at some time before the end of the period specified in the enforcement notice for compliance with the notice (or of such extended period as the Minister may allow for compliance with the notice)

ceased to be the owner of the land, he shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have the person who then became the owner of the land brought before the court in the proceedings.

(3) If, after it has been proven that any steps required by the enforcement notice have not been taken as aforesaid, the original defendant proves that the failure to take the steps was attributable in whole or in part to the default of the said other person, that other person may be convicted of the offence and, if the original defendant further proves that he took all reasonable steps to secure compliance with the enforcement notice, he shall be acquitted of the offence.

17 (1) Compliance with an enforcement notice, whether as respects -

- (a) the demolition or alteration of any buildings or works; or
- (b) the discontinuance of any use of land; or
- (c) any other requirements in the enforcement notice,

shall not discharge the enforcement notice nor preclude the planning authority from taking any proceedings to secure a conviction for any offence which appears to have been committed in relation to this Act either prior or subsequent to the service of any notice.

(2) Without restricting the generality of subsection (1), where any development is carried out on land by way of reinstating or restoring buildings or works that have been demolished or altered in compliance with an enforcement notice, the enforcement notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered, and subsections (1) and (2) of section 15 shall apply accordingly.

(3) Without affecting the operation of section 16, a person who carries out any development on land by way of reinstating or restoring buildings or works that have been demolished or altered in compliance with an enforcement notice shall be liable on conviction to a fine not exceeding R4.000 or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

18 (1) If it appears to the Minister that it is expedient in the interests of amenity to make provision for the preservation of any tree, trees or woodlands in any area, he may for that purpose make an order (in this Act referred to as a "tree preservation order") with respect to any such tree, trees, groups of trees or woodlands as may be specified in the order; and, in particular, provision may be made by any such order -

- (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping or wilful destruction of trees except with the consent of the planning authority (which may be given subject to conditions);
- (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area that is felled in the course of forestry operations permitted by or under the order;
- (c) for applying, in relation to any consent under the order, and to applications therefor, any of the provisions of this part relating to permission to develop

land, and to applications for any such permission, subject to such adaptations and modifications as may be specified in the order;

- (d) for the payment by the Government, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of material damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.

(2) Provision may be made by regulations under this Act with respect to the form of tree preservation orders, and the procedure to be followed in connection with the making of such orders, and such regulations shall, in particular, make provision for securing -

- (a) that notice shall be given to the owners and occupiers of land affected by any such order;
- (b) the objections and representations with respect to the proposed order (duly made in accordance with the regulations) shall be considered before the order is made by the Minister; and
- (c) that copies of the order when it comes into operation shall be served on the owners and occupiers of the land to which it relates.

(3) Notwithstanding subsection (2), where it appears to the Minister that any tree preservation order should take effect immediately, he may make the order provisionally without complying with the requirements of any regulations with respect to the consideration of objections and representations, but any order so made shall cease to have effect upon the expiration of two months from the date on which it is so made, unless within that period it has again been made, with or without modifications, after compliance with those requirements.

(4) Without limiting the other exemptions for which provision may be made by a tree preservation order, no such order shall apply to the cutting down, topping or lopping of trees that are dying or dead or have become dangerous, or the cutting down, topping or lopping of any trees in compliance with any obligation imposed by or under any Act or so far as may be necessary for the prevention or abatement of a nuisance.

(5) If any person contravenes the provisions of a tree preservation order, he shall be guilty of an offence and liable to the penalties mentioned in section 15.

19 (1) If it appears to the Minister that it is expedient to make provision for the preservation of any building of special architectural or historic interest, the Minister may for that purpose make an order (in this Act referred to as a "building preservation order") restricting the demolition, alteration or extension of the building.

(2) Provision may be made by a building preservation order-

- (a) for requiring the consent of the planning authority to be obtained for the execution of works of any description specified in the order, and for applying, in relation to such consent and to applications therefor, any of the provisions of this part relating to permission to develop land, and to applications for such permission, subject to such adaptations and modifications as may be specified in the order;

- (b) for enabling that authority, where any such works have been executed in contravention of the order to require the restoration of the building to its former state, and for that purpose for applying any of the provisions of this part with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the order;
- (c) for the payment by the Government, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of material damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or the grant of any such consent subject to conditions.

(3) Provision may be made by regulations under this Act with respect to the form of building preservation orders and the procedure to be followed in connection with the making of such orders, and such regulations shall in particular, make provision for securing -

- (a) that notice shall be given to the owners and occupiers of the building affected by any such order;
- (b) that objections and representations with respect to the proposed order duly made in accordance with the regulations shall be considered before the order is made by the Minister; and
- (c) that copies of the order when it comes into operation shall be served on the owners and occupiers of the building to which it relates.

(4) Notwithstanding subsection (3), where it appears to the Minister that any such order should take effect immediately, he may make the order provisionally without complying with the requirements of any such regulations with respect to the consideration of objections and representations, but any order so made shall cease to have effect upon the expiration of two months from the date on which it is so made, unless within that period it has again been made, with or without modifications, after compliance with those requirements.

(5) If any person contravenes the provisions of a building preservation he shall be liable on conviction to the penalties provided in section 15.

20 (1) Subject to the provisions of this section, provision shall be made by regulations under this Act for restricting or regulating the display of advertisements so far as appears to the Minister to be expedient in the interests of amenity or public safety, and without restricting the generality of the foregoing, any such regulations may provide -

- (a) for regulating the dimensions, appearance and position of advertisements that may be displayed, the sites on which such advertisements may be displayed, and the manner in which they are to be affixed to land;
- (b) for requiring the consent of the planning authority to be obtained for the display of advertisements, or of advertisements of any class specified in the regulations;
- (c) for applying, in relation to any such consent and to applications therefor, any of the provisions of this part relating to permission to develop land and to applications for such permission, subject to such adaptations and modifications as may be specified in the regulations;

- (d) for enabling the planning authority to require the removal of any advertisement that is being displayed in contravention of the regulations, or the discontinuance of the use for the display of advertisements of any site that is being used for that purpose in contravention of the regulations, and for that purpose for applying any of the provisions of this part with respect to enforcement notices, subject to such adaptations and modifications as may be specified in the regulations;
- (e) for the constitution, for the purposes of the regulations, of such advisory panels as may be prescribed by the regulations, and for determining the manner in which the expenses of any such panels are to be defrayed.

(2) Regulations made under this section may be made so as to apply to advertisements that are being displayed on the date on which the regulations come into force, or to the use for the display of advertisements of any site that was being used for that purpose on that date.

- (3) Regulations made under this section shall provide for exempting therefrom -
 - (a) the continued display of any such advertisement as aforesaid; and
 - (b) the continued use for the display of advertisements of any such site as aforesaid,

during such period as may be prescribed in that behalf by the regulations, and different periods may be so prescribed for the purposes of different provisions of the regulations.

(4) Regulations made under this section may direct that any Act, orders, notices, rules, regulations or byelaws, affecting the display of advertisements in force on the day when the said regulations made under this section come into operation, shall not apply to the display of advertisements in any area to which the said regulations made under this section apply.

21 (1) Where the display of advertisements in accordance with regulations made under section 20 involves the development of land within the meaning of this Act, planning permission for that development shall be deemed to be granted by virtue of this section, and no application shall be necessary in that behalf under the foregoing provisions of this part.

(2) Without affecting any provisions included in regulations made under section 20 by virtue of paragraph (d) of subsection (1) of that section, if any person displays an advertisement in contravention of the provisions of the regulations, he shall be guilty of an offence and liable on conviction to a fine not exceeding R.2,000 and, in case of a continuing offence, to a further fine not exceeding R.250 for every day after the first day during which the display is so continued.

(3) For the purposes of subsection (2) and without restricting the generality thereof, a person shall be deemed to display an advertisement if -

- (a) the advertisement is displayed on the land of which he is the owner or occupier; or
- (b) the advertisement gives publicity to his goods, trade, business or other concerns.

(4) A person shall not be guilty of an offence under subsection (2) by reason only that an advertisement is displayed on land of which he is the owner or occupier, or that his goods, trade, business or other concerns are given publicity by the advertisement, if he proves that it was displayed without his knowledge or consent.

22 (1) If it appears to the planning authority that the amenity of any area is seriously injured by the condition of any garden, vacant site or other open land in the area, the planning authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be so specified.

(2) In relation to any notice served under this section, the provisions of subsections (3) to (7) of section 14, and of sections 15, 16 and 17 shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply as those provisions apply in relation to an enforcement notice served under section 14.

23 (1) If it appears to the planning authority that the amenity of any area is seriously injured by a building or structure being in a ruinous or dilapidated condition, the planning authority may by notice require the owner and occupier thereof -

- (a) to execute such works of repair or restoration; or
- (b) if he so elects, to take such steps for demolishing the building or structure, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition followed immediately by the implementation of a landscaping scheme submitted to and approved by the planning authority,

as may be specified as necessary in the interests of amenity.

(2) If it appears to the planning authority that the amenity of any area is seriously injured by rubbish or other material resulting from, or exposed by, the demolition or collapse of a building or structure lying on the site or on any adjoining land, the planning authority may by notice require the owner and occupier of the site or land to take such steps for removing the rubbish or material followed immediately by the implementation of a landscaping scheme submitted to and approved by the planning authority, as may be so specified as necessary in the interest of amenity.

(3) In relation to any notice served under this section, the provisions of subsections (3) to (7) of section 14, and of sections 15, 16 and 17 shall, subject to such exceptions and modifications as may be prescribed by regulations under this Act, apply in relation to an enforcement notice served under section 14.

PART V

Compensation for refusal, or conditional grant of,

planning permission

24 In this part "planning decision" means a refusal of an application for permission under Part IV, or a grant thereof subject to conditions, given or made by the Minister either under section 10 or on appeal under section 11.

25 (1) If on a claim made in the manner prescribed by regulations made under this Act, it is shown that, as a result of a planning decision involving a refusal of permission or a grant thereof subject to conditions, the value of the interest of any person in the land to which the planning decision relates is less than it would have been if the permission had been granted or had been granted unconditionally, then the Government shall, subject to the provisions of this part, pay to that person compensation of an amount equal to the difference.

(2) In determining for the purposes of subsection (1) to what extent, if any, the value of any interest in land is less than it would have been if the permission therein referred to had been granted or had been granted unconditionally, it shall be assumed that any subsequent application for permission in respect of the land would be determined in the same way, except that if, on the refusal of permission for the development in respect of which application is made, the Minister undertakes to grant permission for any other development of the land in the event of an application being made in that behalf, regard shall be had to the undertaking in determining the matter aforesaid.

26 (1) Compensation under this part shall not be payable -

- (a) in respect of the refusal of permission for any development that consists of or includes the making of any material change in the use of any buildings or other land;
- (b) in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that the proposed development does not accord with the development plan in force;
- (c) in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature by reference to one or more of the following matters, that is to say -
 - (i) the order of priority (if any) indicated in the development plan for the area in which the land is situated, for development in that area;
 - (ii) any existing deficiency in the provision of water supplies or other utility services;
 - (iii) any existing deficiency in the means of access from the nearest paved road;
 - (iv) the suitability of the land for agriculture or for continued use for agricultural purposes;
 - (v) the existence of other land which, in the opinion of the planning authority, is more suitable for the proposed development in the development plan in force.
- (d) in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its excessive steepness or its liability to flooding;

- (e) in respect of the imposition, on the granting of permission to develop land, of any condition relating to -
 - (i) the number or disposition of buildings on any land; or
 - (ii) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction; or
 - (iii) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land; or
 - (iv) the use of any buildings or other land; or
 - (v) the location or design of any means of access to a road, or the materials to be used in the construction thereof;
- (f) in respect of the imposition, on the granting of permission to develop land, of any such condition as is mentioned in subsection 2(c) or (d) of section 9;
- (g) in respect of any condition subject to which permission is granted for the winning and working of minerals;
- (h) in respect of any planning decision on an application in pursuance of regulations under section 20 for consent to the display of advertisements.

(2) For the purposes of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development of a specified part of that land shall be treated as a decision refusing the permission as respects that part of the land only.

27 (1) Compensation under this part shall not be payable in respect of a planning decision whereby permission is refused for the development of land if, notwithstanding that refusal, there is available with respect to that land planning permission for development to which this section applies.

(2) Where planning permission for development to which this section applies is available with respect to part only of the land, the section shall have effect only in so far as the interest subsists in that part.

(3) Where a claim for compensation under this part is made in respect of an interest in any land, planning permission for development to which this section applies shall be taken for the purposes of this section to be available with respect to that land or a part thereof if, immediately before the final determination of the amount of compensation payable in respect of that claim, there is in force with respect to that land or part, a grant of, or an undertaking by the planning authority to grant, planning permission for some such development, subject to no conditions other than such as are mentioned in paragraph (c) or (d) of subsection (2) of section 9 or paragraph (d) of subsection (1) of section 26.

(4) This section applies to any development of a residential, commercial or industrial character, if the development consists wholly or mainly of the construction of houses, flats, shop or office premises, hotels, garages and petrol filling stations, cinemas, or industrial buildings (including warehouses), or any combination thereof.

28 (1) Compensation under this part shall not be payable unless a claim for it is duly made in accordance with the provisions of this section.

(2) A claim for compensation under this part shall not have effect unless it is made before the end of the period of six months beginning with the date of the planning decision to which it relates, but the Minister may in any particular case (either before, on or after the date on which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making such a claim.

(3) Regulations made under this Act may -

- (a) require claims for compensation under this part to be made in a form prescribed by the regulations;
- (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in the land to which the claim relates, and as to the interest of other persons therein that are known to the claimant, as may be so prescribed.

(4) Compensation payable under this Part shall in default of determination by agreement be determined by a Judge in chambers in accordance with such procedure as may be prescribed.

29 (1) The Government may, within one month after the date of determination under section 28 of a claim for compensation in respect of an interest in land, make an offer in writing to the owner of that interest to purchase that interest instead of paying the compensation.

(2) If the owner is unwilling to sell the interest, the Minister may acquire the land compulsorily under the Lands Acquisition Act.

(3) In this section, "the Minister" means the Minister from time to time responsible for the administration of the Lands Acquisition Act.

PART VI

Acquisition and disposal of land for planning purposes

30 (1) Where -

- (a) any land is designated in a development plan as subject to compulsory acquisition; or
- (b) the planning authority is satisfied that it is expedient immediately to acquire any land not so designated in order to secure, promote or expedite the proper development of that land or of any area in which that land is situated,

such land may be acquired compulsorily under the Lands Acquisition Act.

(2) Nothing in this section shall be deemed to prevent the acquisition by agreement of any land designated as mentioned in subsection (1).

31 The Government may, by way of sale or lease or otherwise, dispose of land acquired by it (whether compulsorily or by agreement) under this part to any statutory undertakers or other body or person for development in accordance with permission granted under Part IV.

PART VII

Building control

32 (1) The planning authority may, with the approval of the Minister, make regulations with regard to any matter relating to buildings.

(2) Regulations made under subsection (1) may be made applicable to the whole or any part of Seychelles.

(3) Regulations made under subsection (1) may -

- (a) provide that contravention of or failure to comply with any of the provisions thereof shall be an offence punishable with a fine not exceeding R. 4,000 or imprisonment not exceeding one year or with both such fine and imprisonment;
- (b) repeal, revoke, suspend, amend or modify any Act, orders, notices, rules, regulations, byelaws or other instruments relating to any matter in respect of which the regulations may make provision; and
- (c) contain such consequential, incidental and supplemental provisions as appear to the planning authority to be necessary or expedient.

PART VIII

Supplemental

33 (1) Any person duly authorised in writing by the planning authority may, at any reasonable time, enter upon any land for the purpose of surveying it, or estimating its value, in connection with -

- (a) the preparation, approval, making or amendment of a development plan relating to the land, including the carrying out of any review under Part III;
- (b) any application under Part IV, or under any order or regulations made thereunder, for any permission, consent or determination to be given or effected in relation to that or any other land under the said Part IV or under any such order or regulations;
- (c) any proposal to serve or make any notice or order under Part IV or under any such order or regulations as aforesaid;
- (d) any claim for compensation payable by the Government under this Act.

(2) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering, and shall not demand admission as of right to any land that is occupied unless twenty-four hours notice of the intended entry has been given to the occupier.

(3) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on conviction to a fine not exceeding R. 2,000.

(4) Where any land is damaged in the exercise of a power of entry conferred under this section, or in the making of any survey for the purpose of which any such power or entry has been so conferred, compensation in respect of that damage may be recovered from the Government by any person interested in the land.

(5) Any power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals therein.

(6) A person shall not carry out any works authorised by subsection (5) unless notice of his intention so to do has been included in the notice required by subsection (2) of this section.

34 (1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act, or under any regulation, order, direction, or instrument in writing made under this Act, may be served or given either -

- (a) by delivering it to the person on whom it is to be served or to whom, it is to be given; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice shall be deemed to be duly served if -

- (a) being addressed to him either by name or by the description of "the owner" or "the occupier", as the case may be, of the premises (describing them) it is delivered or sent in the manner prescribed by paragraph (a), (b) or (c) of subsection (1); or
- (b) being addressed as aforesaid and marked in such manner that it is plainly identifiable as a communication of importance, it is sent in a prepaid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interest in, or being occupiers of, premises comprised in any land, and it appears that any part of that land is unoccupied, the notice shall be deemed to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than a person who has furnished an address for the service of the notice on him) if it is addressed so "the owners and any occupiers" of that part of the land (describing it), and is affixed conspicuously to some object on the land.

35 The planning authority may, for the purpose of enabling the making of any order or the service of any notice or other document that is by this Act authorised or required to be made or served, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known therein, whether as owner, mortgagee, lessee or otherwise; and any person who, having been required in pursuance of this section to give any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding R.2,000.

36 (1) The Minister may make such regulations as appear to him to be necessary or expedient for carrying out the objects and provisions of this Act and in particular (but without prejudice to the generality of the foregoing) such regulations may -

- (a) prescribe the form of application for permission to develop land, and the information and documents to be submitted in connection therewith;
- (b) prescribe the form and contents of any notice, order or other document authorised or required by this Act to be made, issued or served;
- (c) prescribe anything that by this Act is required or authorised to be prescribed;
- (d) provide for the service of notices or other documents upon the Curator of Vacant Estates and make consequential provision in respect of such service;
- (e) make provision for controlling the subdivision of land;
- (f) make provision for the pooling and redistribution of plots of land, or for the readjustment of the boundaries, areas, shapes and positions of any plots of land;
- (g) amend, add to or vary the schedules;
- (h) prescribe fees;
- (i) make provision for any purpose for which regulations are authorised or required to be made under this Act.

(2) If any regulations made under paragraph (e) of subsection (1) so direct, then subject to any additions, omissions or modifications specified in such regulations as aforesaid, the provisions of this Act and of the other regulations made thereunder shall apply in relation to the subdivision of land as if it were included in the definition of "development" contained in section 7(2) of this Act.

(3) Regulations made under this section may provide that contravention of or failure to comply with any of the provisions thereof shall be an offence punishable with a fine not exceeding R.4,000 or imprisonment not exceeding six months or with both such fine and imprisonment.

(4) In this section "subdivision", in relation to land, means the division of any holding of land into two or more parts, whether the subdivision is effected for purposes of transfer, partition, sale, gift, lease, mortgage or any other purpose whatever.

37 The provisions of this Act, and any restrictions or powers thereby imposed or conferred in relation to land, apply and may be exercised in relation to any land, notwithstanding that provision is made by any Act, bye-law, order, notice, rule, regulation or other instrument in force on the appointed day for authorising or regulating any development of the land.

FIRST SCHEDULE

[SECTION 3]

[The Town and Country Planning Authority]

1 The Town and Country Planning Authority (hereinafter in this schedule referred to as "the authority") shall consist of such members, not less than five, as the Minister may from time to time appoint.

2 The appointment of a member of the authority shall, subject to the provisions of this schedule, be for such period as the Minister shall specify at the time of his appointment and every member shall be eligible for re-appointment.

3 (1) The Minister shall appoint one of the members of the authority to be chairman.

(2) The appointment of a member of the authority as chairman shall, subject to the provisions to this schedule, be for such period as the Minister shall specify at the time of his appointment as chairman, and the chairman shall be eligible for reappointment.

4 In the case of death, absence from Seychelles, resignation, revocation of appointment or incapacity to act as chairman or member of the authority or whenever a vacancy arises from any other cause, the Minister may make an appointment to fill the vacancy either temporarily or permanently:

Provided that when the chairman is absent from any meeting or a vacancy arises in the chairmanship and no new appointment has been made, the members of the authority may choose one of their number to preside at that meeting.

5 (1) The chairman or any other member may at any time resign his office as chairman or his office as member by letter addressed to the Principal Secretary to the Ministry.

(2) Every such resignation as aforesaid shall take effect from the date of the receipt by the Principal Secretary of the letter of resignation.

6 The Minister may at any time revoke any appointment made by him under this schedule.

7 The authority shall be a body corporate capable of suing and being sued, of purchasing, holding and alienating land, or receiving, holding or disposing of moneys paid by grant or otherwise for the purpose of defraying expenses incurred in carrying out the objects and provisions of this Act, and generally of doing and performing all such acts and things as a body corporate may do and perform subject to the provisions of this Act and of any law for the time being in force.

8 The Minister may from time to time give to the authority general or special directions not inconsistent with the provisions of this Act as to the exercise of any powers, discretions or functions or the performance of any duties under this Act and the authority shall comply with any such general or special directions.

9 (1) The authority shall meet as often as may be necessary or expedient, and such meetings shall be held at such places and times and on such days as the authority may determine.

(2) A special meeting of the authority may be called by the Minister or the chairman or by the Principal Secretary acting in accordance with any direction issued to him in that behalf by the Minister.

(3) The chairman shall preside at all meetings of the authority at which he is present.

(4) A quorum of the authority shall be three.

(5) The decision of the authority shall be by a majority of votes and, in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) The validity of the proceedings of the authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(7) Subject to the provisions of this schedule, the authority may regulate its own proceedings.

10 Any member of the authority who, otherwise than as such member, is directly or indirectly interested in any application to the authority shall, as soon as may be, disclose the nature of his interest to the authority.

11 Decisions of the authority shall be authenticated under the hand of the secretary to the authority.

12 At any time when so requested and in any event not less than once a year the authority shall render a full report to the Minister of its operations.

13 No member of the authority shall be personally liable for any act or default of the authority done or omitted to be done in good faith in the course of the operations of the authority.

14 The office of chairman or member of the authority shall not be a public office.

SECOND SCHEDULE

[SECTION 4]

[Matters for which Provision may be made in Development Plan]

PART I

Roads

- 1 Reservation of land for roads and establishment of public rights of way.
- 2 Closing or diversion of existing roads and public and private rights of way.
- 3 Construction of new roads and alteration of existing roads.
- 4 The line, width, level, construction, access to and egress from, and the general dimensions and character of roads, whether new or existing.
- 5 Providing for and generally regulating the construction or execution of works incidental to the making or improvement of any road, including the erection of bridges, culverts, gullies, fencing, barriers, shelters, the provision of artificial lighting, and seats and the planting or protecting of grass, trees and shrubs on or adjoining such road.

PART II

Building and other Structures

- 1 Regulating and controlling, either generally or in particular areas all or any of the following matters, that is to say:-
 - (a) the size and height of buildings;
 - (b) building lines, coverage and the space about buildings;
 - (c) the objects which may be affixed to buildings;
 - (d) the purposes for and the manner in which buildings may be used or occupied including in the case of dwelling-houses, the letting thereof in separate tenements;
 - (e) the prohibition of building or other operations on any land, or regulating such operations.
- 2 Regulating and controlling the design, colour and materials of buildings and fences.
- 3 Allocating any particular land, or all land in any particular area, for buildings of a specified class or classes, or prohibiting or restricting either permanently or temporarily, the making of any building or any particular class or classes of buildings on any specified land.

4 Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made, on, in or under any area.

PART III

Community Planning

- 1 Providing for the control of land by zoning or designating for specific uses.
- 2 Regulating the layout of housing areas including density, spacing, grouping and orientation of houses in relation to roads, open spaces and other buildings.
- 3 Determining the provision and siting of community facilities including shops, schools, churches, meeting halls, play centres and recreation grounds in relation to the number and siting of houses.

PART IV

Amenities

- 1 Allocation of lands as open spaces whether public or private.
- 2 Allocation of land for burial grounds and crematoria.
- 3 Allocation of lands -
 - (a) for communal parks;
 - (b) for game and bird sanctuaries;
 - (c) for the protection of marine life.
- 4 Preservation of buildings, caves, sites and objects of artistic, architectural, archaeological or historical interest.
- 5 Preservation of protection of forests, woods, trees, shrubs, plants and flowers.
- 6 Prohibiting, restricting or controlling, either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, whether on land or in water, or in the air, of all or any particular forms of advertisement or other public notices.
- 7 Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence, or by the objectionable or neglected condition of any land attached to a building or fence or abutting on a road or situate in a residential area.
- 8 Prohibiting, regulating and controlling the deposit or disposal of waste materials and refuse, the disposal of sewage and the pollution of rivers, lakes, ponds, gullies and the seashore.

PART V

Public Services

Facilitating the establishment, extension or improvement of works, by statutory or other undertakers in relation to power, lighting, water supply, sewerage, drainage, sewage disposal, refuse disposal or other public services.

PART VI

Transport and Communications

1 Facilitating the establishment, extension or improvement of systems of transport whether by land, water or air.

2 Allocating sites for use in relation to transport, and the reservation of land for that purpose.

3 Providing for the establishment, extension or improvement of telegraphic, telephonic, wireless or radar communication, the allocating of sites for use in relation to such communication, and the reservation of land for that purpose.

PART VII

Miscellaneous

1 Providing for and regulating the making of agreements for the purpose of a development plan by the planning authority with owners and other persons, and by such persons with one another.

2 Sub-division of land and in particular, but without restricting the generality of the foregoing-

- (a) regulating the type of development to be carried out and the size and form of plots;
- (b) requiring the allocation of land for any of the public services referred to in Part V of this schedule or for any other purposes referred to in this schedule for which land may be allocated;
- (c) prescribing the character and type of public services or other works which shall be undertaken and completed by any applicant for permission to sub-divide as a condition of the grant of such permission;
- (d) coordinating the sub-division of contiguous properties in order to give effect to any scheme of development appertaining to such properties.

3 Making any provisions necessary for -

- (a) adjusting and altering the boundaries and areas of any towns or villages;
- (b) enabling the establishment of satellite towns, new towns and new villages;
- (c) effecting such exchanges of land or cancellation of existing sub-division plans as may be necessary or convenient for the purposes aforesaid.

4 The pooling and re-distribution of plots of land.

LAWS OF SEYCHELLES

TOWN AND COUNTRY PLANNING ACT

CHAPTER 237

SUBSIDIARY LEGISLATION

SI. 132/1971

Sections 7 and 36

THE TOWN AND COUNTRY PLANNING (USE CLASSES) REGULATIONS

[1st January, 1972]

1 The regulations may be cited as the Town and Country Planning (Use Classes) Regulations.

2 (1) In these regulations, unless the context otherwise requires -

"shop" means a building used for the carrying on of any retail trades or retail business wherein the primary purpose is the selling of goods by retail, and includes a building used for the purposes of a hairdresser, undertaker, travel or ticket agency, the hire of motor vehicles or boats, or for the reception of goods to be washed, cleaned or repaired, or for any other purpose appropriate to a shopping area, but does not include a building used as a funfair, garage, petrol filling station, office, theatre, cinema, or hotel or premises (other than a restaurant) licensed for the sale of intoxicating liquors for consumption on the premises;

"funfair" includes an amusement arcade or pin-table saloon;

"office" includes a bank but does not include a post office;

"industrial building" means a building (other than a shop) used for the carrying on of any process for or incidental to any of the following purposes, namely:-

- (a) the making of any article or of part of any article; or
- (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs, the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"light industrial building" means an industrial building in which the processes carried on or the machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"motor vehicle" means any motor vehicle for the purposes of the Road Transport Act.

(2) References in these regulations to a building may, except where otherwise provided, include references to land occupied therewith and used for the same purposes.

3 (1) Where a building or other land is used for a purpose of any class specified in the schedule, the use of such building or other land for any other purpose of the same class shall not be deemed for the purposes of the Act to involve development of the land.

(2) A use which is ordinarily incidental to and included in any use specified in the schedule to these regulations is not excluded from that use as an incident thereto merely by reason of its specification in the said schedule as a separate use.

SCHEDULE

- Class I - Use a shop for any purpose except as -
- (i) a fried fish shop;
 - (ii) a shop for the sale of motor vehicles;
 - (iii) a cafe or restaurant;
 - (iv) a travel agency;
 - (v) premises for the hire of motor vehicles or boats of any description.
- Class II - Use as an office for any purpose.
- Class III - Use as a light industrial building for any purpose.
- Class IV - Use as a wholesale warehouse or repository (other than a wholesale warehouse or repository included in Class V).
- Class V - Use as a wholesale warehouse or repository for the storage of food whether or not refrigerated.
- Class VI - Use as a hotel, boarding or guest house, or a residential club.
- Class VII - Use as a residential or boarding school or a residential college.
- Class VIII - Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.
- Class IX - Use as a home or institution providing for the boarding, care and maintenance of children, old people or person under disability, a convalescence home, a nursing home, a sanatorium or hospital (other than a hospital, home or institution included in Class XI).
- Class X - Use (other than residentially) as a health centre, a school treatment centre, a clinic, a creche, a day nursery, or a dispensary, or use as a

consulting room or surgery unattached to the residence of the consultant or practitioner.

Class XI - Use as a hospital home or institution for persons suffering from mental disorder.

Class XII - Use as an art gallery (other than for business purposes), a museum, a public library or reading room, a public hall, a concert hall, an exhibition hall, a social centre, a community centre or a non-residential club.

SECTIONS 8, 9 AND 11

THE TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER

[1st January, 1972]

SI. 133/1971
SI. 12/1974
SI. 95/1975
SI. 72/1976
SI. 98/1976

ARRANGEMENT OF ARTICLES

1. Citation.
2. Application.
3. Interpretation.
4. Permitted development.
5. Directions restricting permitted development.
6. Applications for planning permission.
7. Directions restricting the grant of permission.
8. Development not according with the development plan.
9. Directions requiring consultation.
10. Reference of applications to the Minister.
11. Appeals.
12. Register of applications.
13. Directions and notices.
14. Savings.

1 This Order may be cited as the Town and Country Planning General Development Order.

2 (1) This order shall apply to all land in Seychelles.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under section 21 of the Act.

3 In this order, unless the context otherwise requires-

"aerodrome" means any area of land or water designed, equipped set apart or commonly used for affording facilities for the landing or departure of aircraft;

"building" includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building;

"dwelling house" does not include a building containing one or more flats;

"flat" means a separate and self-contained set of premises constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"mining operations" means the winning and working of mineral in, on or under land, whether by surface or underground working;

"original dwelling house" means, in relation to a dwelling house existing on the appointed day, as existing on that day; and in relation to a dwelling house built on or after the appointed day, as so built;

"planning authority" means the Town and Country Planning Authority established by section 3 of the Act;

"reserved matters" in relation to an outlying planning permission or an application for such permission, means any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building to which the planning permission or the application relates, or the means of access or the building;

4 (1) Subject to the subsequent provisions of this order, development of any class specified in Schedule 1 to this order is permitted by this order and may be undertaken upon land to which this order applies, without the permission of the planning authority or the Minister:

Provided that the permission granted by this order in respect of any such class of development shall be subject to any condition or limitation imposed in the said Schedule 1 in relation to that class.

(2) Nothing in this article or in Schedule 1 shall operate so as to permit any development contrary to a condition imposed in any permission granted under Part IV of the Act otherwise than by this order

5 If the Minister is satisfied that it is expedient that development of any of the classes specified in Schedule 1 should not be carried out in any particular area, or that any particular development of any of those classes should not be carried out, unless permission is granted on

an application in that behalf, the Minister may direct that the permission granted by article 4 shall not apply to-

- (a) all or any development of all or any of those classes in any particular area specified in the direction; or
- (b) any particular development specified in the direction, falling within any of those classes.

(2) Notice of any direction specifying any particular area given under paragraph (1) (a) of this article shall be published by the planning authority in a local newspaper and on the same or a subsequent date in the Gazette, and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(3) Notice of any direction specifying any particular development given under paragraph (1) (b) of this article shall be served by the planning authority on the owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner.

6 (1) An application to the planning authority for planning permission shall be made on a form issued by the planning authority and obtainable from that authority and shall include the particulars required by such form to be supplied and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies (not exceeding 3) of the form and plans and drawings as may be required by the planning authority; and the planning authority may by a direction in writing addressed to the applicant require such further information as may be specified in the direction to be given to them in respect of an application for permission made to them under this paragraph, to enable them to determine that application.

(2) Where an applicant so desires, an application, expressed to be an outline application, may be made under the preceding paragraph for permission for the erection of a building subject to the subsequent approval of the authority with respect to any matters relating to the siting, design or external appearance of the building, or the means of access thereto including the arrangements for the supply of water and electricity and a satisfactory system for the disposal of sewage, in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused provided that-

- (i) where such permission is granted, it shall be expressed to be granted under this paragraph on an outlying application and the approval of the authority shall be required with respect to the matters reserved in the permission before any development is commenced;
- (ii) where the planning authority in the grant of such permission imposes a time limit for the submission of an application for the approval of reserved matters, failure to comply with that time limit shall render that permission null and void;
- (iii) where the authority are of opinion that in the circumstances of the case the application for permission ought not to be considered separately from the

siting or the design or external appearance of the buildings, or the means of access thereto including the arrangements for the supply of water, electricity and a satisfactory system for the disposal of sewage, they shall within the period of one month from receipt of the outline application notify the applicant that they are unable to entertain such application, specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development; and the applicant may either furnish the information so required (in which event the application shall be treated as if it had been received on the date when such information was furnished and had included such information) or appeal to the Minister under section 11 of the Act within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the authority.

(3) An application for approval of reserved matters required by the last preceding paragraph shall be in writing, shall give particulars sufficient to identify the outline planning permission in respect of which it is made and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for permission.

(4) Any application made under this article shall be lodged with the planning authority.

(5) On receipt of any such application the planning authority shall send to the applicant an acknowledgment thereof in the terms (or substantially in the terms) set out in Part I of Schedule 2.

(6) The planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(7) The period within which the planning authority shall give notice to an applicant of their decision or of the reference of an application to the Minister shall be three months from the date of receipt by them of the application or such extended period as may at any time be agreed upon in writing between the applicant and the planning authority.

(8) Every such notice shall be in writing and where the planning authority decide to grant such permission or approval subject to conditions or to refuse it, they shall state their reasons for the decision in writing, and sent with the decision a notification in the terms (or substantially in the terms) set out in Part II of Schedule 2.

(9) The planning authority shall furnish to the Minister and to such other persons as may be prescribed by directions given by the Minister (which directions the Minister is hereby authorised to give) such information as may be so prescribed with respect to applications made to them under this article including information as to the manner in which any such application has been dealt with.

7 (1) The Minister may give directions restricting the grant of permission by the planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class as may be so specified.

(2) Where a direction has been given under this article, the planning authority shall deal with applications for permission for development to which such direction relates in such manner as to give effect to the terms of the direction.

8 The planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Minister (which directions the Minister is hereby authorised to give) grant permission for development which does not accord with the provisions of the development plan in force.

9 The Minister may give directions to the planning authority requiring the authority to consult with the authorities or persons named in such directions in any case or class of case which may be specified in such directions and, before determining any application for permission in any such case or class of case, the planning authority shall enter into consultation accordingly.

10 On referring any application to the Minister under section 10 of the Act, pursuant to a direction in that behalf, the planning authority shall serve on the applicant notice of the terms of the direction and of any reasons given by the Minister for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Minister, and shall contain a statement that the Minister will, if the Minister considers it expedient, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and that the decision of the Minister on the application will be final.

11 (1) Any person who desires to appeal -

- (a) against a decision of the planning authority refusing permission to develop land or approval of any reserved matter required under this order, or granting permission or approval subject to conditions; or
- (b) on the failure of the planning authority to give notice of their decision or of the reference of the application of the Minister,

shall give notice of appeal to the Minister, on a form obtained from the Minister, within one month of receipt of notice of the decision or of the expiry of the appropriate period allowed under article 6(7) of this order, as the case may be, or such longer period as the Minister may at any time allow.

(2) Such person shall also furnish to the Minister a copy of the following documents-

- (i) the application made to the planning authority;
- (ii) all relevant plans, drawings and particulars submitted to them;
- (iii) the notice of the decision, if any;
- (iv) all other relevant correspondence with the planning authority.

12 (1) The planning authority shall keep a register containing the following information, namely:-

- (a) particulars of every application for permission for development made to them, including the name and address of the applicant, the date of the

application, and brief particulars of the development forming the subject of the application;

- (b) particulars of any direction given under the Act or this order in respect of the application;
- (c) the decision (if any) of the planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister in respect of the application, whether on appeal or on a reference under section 10 of the Act;
- (e) the date of any subsequent approval given in relation to the application.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the planning authority.

(4) Every entry in such register consisting of particulars of an application shall be made within 14 days of the receipt of such application.

13 (1) Any power conferred by this order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice or other document to be served or given under this order may be served or given in the manner prescribed by section 34 of the Act.

SCHEDULE 1

PART I

The following development is permitted under article 4 of this order subject to the conditions set out opposite the description of that development in column (2). The references in that column to standard conditions are to the conditions numbered and set out in Part II.

Column (1) Description of Development	Column (2) Conditions
Class I - Development within the curtilage of a dwelling house 1. The enlargement, improvement or other alteration of a dwelling house so long as the enlargement, improvement or other alteration is not or does not consist of a container or a satellite dish and the cubic content of the original dwelling house (as ascertained by external measurement)	1. The height of such building shall not exceed the height of the original dwelling house. 2. No part of such building shall project beyond the forward-most part of the front of the original

<p>is not exceeded by more than one sixth, provided that the erection of a garage, stable, loosebox, or coach-house within the curtilage of the dwelling house shall be treated as the enlargement of the dwelling house for the purpose of this permission.</p> <p>2. The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwelling house, of any building or enclosure (other than a dwelling, garage, stable, loosebox or coach-house) required for a purpose incidental to the enjoyment of the dwelling house as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling house provided:</p>	<p>dwelling house.</p> <p>3. Standard conditions 1 and 2.</p> <p>1. The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case, 10 feet.</p> <p>2. Standard conditions 1 and 2.</p>
<p style="text-align: center;">Column (1)</p> <p style="text-align: center;">Description of Development</p>	<p style="text-align: center;">Column (2)</p> <p style="text-align: center;">Conditions</p>
<p>that the building or enclosure is not or does not consist of a container or a satellite dish.</p> <p>Class II - Sundry minor operations</p> <p>The erection of construction of gates, fences walls or other means of enclosure not exceeding 4 feet in height and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure.</p> <p>Class III - Temporary buildings.</p> <p>The erection or construction on land in, on, over or under which operations, other than mining operations, are being or about to be carried out in pursuance of planning permission granted under Part IV of the Act, of buildings, works plant or machinery needed temporarily in connection with those operations, for the period of such operations.</p> <p>Class IV - Forestry buildings and works</p> <p>The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land.</p>	<p>1. No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure.</p> <p>2. Standard conditions 1 and 2</p> <p>1. Such buildings, works, plant or machinery shall be removed at the expiration of that period.</p> <p>2. Standard conditions 1 and 2.</p> <p>1. The height of any buildings or works within 2 miles of the perimeter of an aerodrome shall not exceed 10 feet.</p> <p>2. No part of any buildings (other than movable structures) or works shall be within 80 feet of the metalled portion of any road used by vehicular traffic.</p> <p>3. Standard conditions 1 and 2.</p>

<p style="text-align: center;">Column (1)</p> <p style="text-align: center;">Description of Development</p>	<p style="text-align: center;">Column (2)</p> <p style="text-align: center;">Conditions</p>
<p>Class V - Agriculture rural reserve zones</p> <p>The carrying out in agricultural or rural reserve zones, as defined in the development plan in force, of building or engineering operations requisite for the use of that land for the purposes of agriculture, other than the placing on land of structures not designed for these purposes or for the provision and alterations of dwellings.</p>	<ol style="list-style-type: none"> 1. The ground area covered by any building erected pursuant to this permission shall not, either by itself or after the subsequent additional thereto exceed 2,000 square feet. 2. The height of any building or works shall not exceed 20 feet. 3. No part of any building (other than movable structures) shall be within 80 feet of any road used by vehicular traffic. 4. All materials used in the construction of the wall and roof of such development shall be approved by the planning authority. 5. Standard Conditions 1 and 2.

PART II

<p style="text-align: center;">Column (1)</p> <p style="text-align: center;">Description of Development</p>	<p style="text-align: center;">Column (1)</p> <p style="text-align: center;">Description of Development</p>
<p>Dwelling houses under 1,000 sq. ft. superficial area.</p> <p>The erection of a dwelling house or the extension of an existing dwelling house so long as the total superficial floor area (as ascertained by external measurement) does not exceed 1,000 sq. ft. subject to the conditions in Column (2), provided that the dwelling house is for the personal occupation of the applicant.</p>	<ol style="list-style-type: none"> 1. A site plan is submitted showing the proposed curtilage of the dwelling house and the relative position of the proposed dwelling house within the curtilage to a scale not less than 1/500. The size of the proposed dwelling house and distance to boundaries must be clearly shown. 2. A location plan is submitted to a scale not less than 1/10,000 showing the position of the proposed dwelling house in relation to the district.

Column (1) Description of Development	Column (2) Conditions
	<p>3. Authorisation is obtained from the planning authority upon the undertaking of the application to:</p> <p>(a) comply with the provisions of the development Plan in force;</p> <p>(b) comply with the requirement of public health;</p> <p>(c) comply with standards as published from time to time by the planning authority regarding the construction and finish roofs, walls and foundations, or comply with other type plans authorised by the planning authority.</p> <p>4. Standard Conditions 1 and 2.</p>

PART III

Standard Conditions

1. The permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to any road used by vehicular traffic.

2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.

SCHEDULE 2

PART I

Notification to be sent to Applicant on

receipt of his Application

Your application dated (insert date) has been received and, if on (insert date of expiry of the appropriate period under article 6 (7)) you have not been given notice by the planning authority of their decision, you are entitled, unless the application has already been referred by the authority to the Minister, to appeal to the Minister in accordance with section 11 of the Town and Country Planning Act by notice served within one month from that date. Appeals must be made on a form which is obtainable from the planning authority. You may, however, by agreement in writing with the planning authority, extend the period within which the decision of the authority is to be given.

PART II

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions.

(To be endorsed on notices of decision).

(1) If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Minister in accordance with section 11 of the Town and Country Planning Act within one month of receipt of this notice. (Appeals must be made on a form which is obtainable from the planning authority). The Minister has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise his power unless there are special circumstances which excuse the delay in giving notice of appeal. The Minister is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

(2) In certain circumstances, a claim may be made against the planning authority for compensation, where permission is refused or granted subject to conditions by the Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act.

SECTIONS 20 AND 36

THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS

[1st January, 1972]

SI. 131/1971
SI. 95/1975
SI. 45/1976
SI. 66/1976
SI. 72/1976

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PART I

Citation, interpretation, extent and application

1 These regulations may be cited as the Town and Country Planning (Control of Advertisements) Regulations.

2 (1) In these regulations, unless the context otherwise requires -

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"appointed day" means the day appointed for the commencement of the Act;

"existing advertisement" has the meaning assigned to it in regulation 7;

"illuminated advertisement" means an advertisement which is designed or adapted to be illuminated by artificial lighting directly or by reflection, and which is so illuminated for the purposes of advertisement, announcement or direction at any time after the date on which these regulations come into operation;

"areas of special control" means an area defined under regulation 9 as an area of special control in respect of the display of advertisement;

"building" includes any structure or erection and any part of a building as so defined;

"business premises" has the meaning assigned to it in paragraph (3) of regulation 11;

"land" includes land covered with water, the sea-bed and buildings and other things attached to land;

"planning authority" means the Town and Country Planning Authority established by section 3 of the Act;

"site" in relation to an advertisement, means any land, or any building other than an advertisement as herein defined, on which an advertisement is displayed;

"specified classes" means the classes of advertisements specified in regulation 11;

"standard conditions" means the standard conditions set out in the First Schedule to these regulations;

"vehicle" has the meaning assigned thereto by section 2 of the Road Transport Act.

(2) Reference in these regulations to the person displaying an advertisement shall be construed as reference to the person who himself, or by his servant, or agent, undertakes or maintains the display of such advertisement, and, unless the context otherwise requires, shall be deemed to include -

- (a) the owner and occupier of the land on which the advertisement is displayed; and
- (b) any person to whose goods, trade, business or other concerns publicity is given by the advertisement.

3 These regulations shall apply to the display on land in Seychelles of all advertisements, except any advertisement -

- (a) displayed within a building, and not readily visible from outside that building;
- (b) displayed on or in a vehicle.

PART II

General provisions

4 (1) The powers conferred by these regulations with respect to the grant or refusal of consent for the display of advertisements, and to the revocation or modification of such consent, shall be exercisable only in the interests of amenity and public safety.

(2) When exercising such powers the planning authority shall -

- (a) in the interests of amenity, determine the suitability of the use of a site for the display of advertisements in the light of the general characteristics of the locality, including the presence therein of any feature of historic, architectural, cultural or similar interest; and when assessing the general characteristics of a locality the authority may disregard any advertisements therein being displayed;
- (b) in the interests of public safety, have regard to the safety of persons who may use any road, dock, harbour or airfield affected or likely to be affected by any display of advertisements; and shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, or aid to navigation by water or air;

but without prejudice to their power to have regard to any other material factor.

(3) Save as hereinafter provided, and subject to the provisions of these regulations, express consent for the display of advertisements shall not contain any limitation or restriction relating to any particular subject matter or class of subject matter or to the content or design of any subject matter to be displayed, but shall take effect as consent to the use of a site for the purpose of displaying advertisements in the manner authorised by the consent whether by the erection of structures on the site or otherwise as the case may be:

Provided that where an application for consent relates to the display of a particular advertisement the planning authority may have regard to the effect on amenity and public safety of the display of such advertisement.

5 (1) No advertisement may be displayed without consent granted by the planning authority or by the Minister on application in that behalf (hereinafter referred to as "express consent"), or deemed by virtue of the next following paragraph to be granted.

(2) Consent shall be deemed to be granted for any advertisement displayed in accordance with a provision of these regulations whereby advertisements of that description may be displayed without express consent; and where the display of such advertisements is allowed subject to the power in regulation 8 to require application for express consent to be made, the consent so deemed to be granted shall be consent limited until such application is finally determined, or, if no application is made within the period allowed for that purpose, until the expiry of that period; without prejudice however to the provisions of regulation 10, in relation to the removal of advertisements which are being displayed in an area defined as an area of special control.

(3) In so far as the nature of the consent permits, consent for the display of advertisements shall enure for the benefit of the land to which the consent relates and of all persons for the time being interested in that land, but without prejudice to the provisions of these regulations with respect to the revocation or modification of consents granted hereunder.

(4) Save only as hereinafter excepted, it shall be a condition of every consent given by or under these regulations (whether expressly imposed or not) that before any advertisement is displayed on land in pursuance of the consent the permission of the owner of that land or other person entitled to grant permission in relation thereto shall be obtained; except where an advertisement of the description specified in sub-paragraph (b) of paragraph (1) of regulation 13 is required to be displayed notwithstanding that such permission is not obtained.

6 Without prejudice to the power of the planning authority to impose additional conditions upon a grant of consent under these regulations, the standard conditions set out in the First Schedule shall, subject to the provisions of these regulations, apply without further notice -

- (a) in the case of the conditions set out in Part I of that Schedule, to the display of all advertisements; and
- (b) in the case of the conditions set out in Part II thereof, only to advertisements being displayed with consent deemed to be granted under these regulations.

7 (1) Advertisements which were being displayed on the appointed day (hereinafter in these regulations called "existing advertisements") may continue to be displayed without express consent, subject to the standard conditions and subject to the power of the planning authority by notice served under the next following regulation, to require application for express consent to be made.

(2) The authority may determine any application made to them in pursuance of the notice, and if the display to which the notice relates is continued without express consent they may exercise their powers to secure the discontinuance thereof; and any consent in force for the display of an advertisement shall be deemed to have been duly brought to an end by a notice served under the next following regulation.

(3) Reference in this regulation to the display of advertisements shall be construed as reference also to the use of a site for the display of advertisements:

Provided that consent, deemed in consequence to be granted for the continued use for the purpose of displaying advertisements of any site which was being used for that purpose on the appointed day, shall be subject to the following conditions and limitations:-

- (a) there shall be no substantial increase in the extent, or substantial alteration in the manner, of the use of the site for that purpose on that date;
- (b) where a building or structure on which advertisements were being displayed on that date is required under any written law to be removed, consent under this regulation shall not extend to the erection of any building or structure on which to continue the display of such advertisements without substantial alteration in the manner of the display.

8 (1) Subject to these regulations, where it appears expedient to the planning authority so to do, they may serve on any person displaying an advertisement with consent deemed to be granted, other than an advertisement of a description specified in regulation 13, a notice requiring application for express consent for the continuance of such display to be within the time (not being less than twenty eight days) specified in the notice; and the authority shall send together with such notice a copy of the application form referred to in regulation 14, or instructions as to the manner in which an application should be made.

(2) A notice under this regulation may be served in respect of the use of land for the display of advertisements as afore- said, and in that event it shall not be necessary to specify any advertisement to the display of which such notice relates.

(3) The provisions of Part V relating to applications for consent and to appeals to the Minister from the determination of such applications shall apply to the submission and determination of applications made in pursuance of a notice served under this regulation.

(4) A notice served under this regulation shall contain a full statement of the reasons why the planning authority think it expedient in the interests of amenity or public safety to serve that notice.

PART III

Areas of special control

9 (1) The planning authority may from time to time consider whether any area should be defined as an area of special control, and whether, in the light of circumstances then obtaining, any order under this regulation in force in relation to land should be modified or revoked.

(2) An area of special control shall be defined by an order made by the planning authority and approved by the Minister in accordance with the provisions of the Second

Schedule and any such order may be revoked or varied by a subsequent order made and approved in the like manner.

10 (1) No display of advertisements, except advertisements of the descriptions specified in regulation 13, may be undertaken in an area of special control except with the express consent of the planning authority or the Minister granted on an application in that behalf.

(2) The power conferred on the planning authority by regulation 15 to grant consent for the display of advertisements shall, in relation to the display of advertisements in an area of special control, be limited to advertisements of the specified classes.

(3) On the coming into force of an order defining an area of special control, advertisements then being displayed in accordance with these regulations in the area may continue to be displayed -

- (a) for a period of six months from the date on which the order defining the area comes into force or for the remainder of the term of any express consent, whichever is the longer; or
- (b) where no such consent has been granted, for a period of six months from the date on which the order defining the area comes into force,

and then, in every case, for a further two months within which the advertisement shall without further notice be removed, unless express consent is granted for the continued display thereof in accordance with this regulation.

(4) Nothing in the foregoing provisions of this regulation shall -

- (a) affect a notice served under regulation 8 before the coming into force of the order defining an area of special control;
- (b) override any condition attached to a consent, whereby an advertisement is required to be removed;
- (c) restrict the powers of the planning authority, or of the Minister in regard to any contravention of these regulations.

PART IV

Advertisements the display of which may be

undertaken without express consent

11 (1) Subject to regulation 10, advertisements of the following classes may be displayed without express consent, subject to the provisions of this regulation and to the power of the planning authority, by notice served under regulation 8, to require application for express consent to be made.

CLASS I Functional advertisements of Government departments and persons or bodies acting under statutory powers.

Advertisements employed wholly for the purposes of announcement or direction in relation to any of the functions of Government departments and persons or bodies acting under statutory

powers, being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe or efficient performance of those functions and which cannot be displayed as such, or in such manner, under the provisions of this regulation relating to advertisements of any other of the specified classes.

CLASS II Miscellaneous advertisements relating to premises on which they are displayed.

- (a) Advertisements for the purposes of identification, direction or warning with respect to the land or buildings on which they are displayed, and not exceeding two square feet in area in the case of any such advertisement.
- (b) Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to one advertisement, not exceeding three square feet in area, in respect of each such person, partnership or company.
- (c) Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character situate on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding twelve square feet in area, in respect of each such premises.

CLASS III Certain advertisements of a temporary nature.

- (a) Advertisements relating to the sale or letting of the land on which they are displayed; limited, in respect of each such sale or letting, to one advertisement not exceeding ten square feet in area.
- (b) Advertisements relating to the carrying out of building or similar work on the land on which they are displayed, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such work; limited to one advertisement not exceeding ten square feet in area.
- (c) Advertisements announcing any local event of a religious, educational, cultural, political, social or recreational character, and advertisement relating to any temporary matter in connection with an event or local activity of such a character, not in either case being an event or local activity promoted or carried on for commercial purposes; limited to a display of advertisements occupying an area not exceeding a total of six square feet on any premises.

CLASS IV Advertisements on business premises.

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the goods sold or services provided, and the name and qualifications of the person carrying on such business or activity or supplying such goods or services, on those premises:

Provided that the space which may be occupied by such advertisements on any external face of a building shall not exceed one twelfth of the overall area of that face up to a height of twelve feet from ground level; and the area occupied by any such advertisement, howsoever affixed to a building, shall be computed as if the said advertisement as a whole were displayed against the face of the building.

(2) Consent deemed to be granted by virtue of these regulations for the display of advertisements, of the foregoing descriptions shall be subject to the following conditions in addition to the standard conditions:-

- (a) no such advertisements, other than an advertisement of Class I, shall contain letters, figures, symbols, emblems or devices of a height exceeding two feet six inches;
- (b) no such advertisement, other than an advertisement of Class I, shall be displayed so that the highest part of the advertisement is above fifteen feet from ground level:

Provided that an advertisement relating to the sale or letting of any part of a building above such height limit may be displayed on or below that part of the building at the lowest level above that limit at which it is reasonably practicable to display the advertisement;

- (c) no such advertisement shall be illuminated except as follows:-
 - (i) advertisements of Class I, illuminated in a manner reasonably required to achieve the purpose of the advertisements;
 - (ii) advertisements of Class II or Class IV for the purpose of indicating that medical or similar services or supplies are available at the premises on which they are displayed, and illuminated in a manner reasonably required for that purpose.

(3) In this regulation the following expressions have the meanings hereinafter respectively assigned to them, namely:-

- (a) "business premises" means any building normally used for the carrying on of any professional, commercial or industrial undertaking, or any building (other than an institution in respect of which advertisements of Class II(c) may be displayed) normally used for the provision therein of services to members of the public or of any association, and includes public restaurants, licensed premises and places of public entertainment, but in the case of any building used principally for residential purposes includes only that part of the building normally used as business premises;
- (b) in relation to the display of advertisements on any building, "ground level" means the ground- floor level of that building;
- (c) "recreational" in relation to an institution shall not apply to any institution for the carrying on of sports, games or physical training primarily as a commercial undertaking.

(4) On the determination of an application for express consent made in respect of an advertisement of a specified class, whether in pursuance of a notice served under regulation 8 or otherwise, the provisions of this regulation whereby advertisements may be displayed without express consent shall cease to apply with respect to that advertisement; and, in the event of refusal of consent, or of the grant of consent subject to conditions in the nature or restriction as to the site on which, or the manner in which, the display may be undertaken, or both, the provisions of this regulation whereby the display of advertisements may be undertaken without express consent shall not apply to the subsequent display on the same land

of any advertisement in contravention of that refusal or of those conditions, by, or on behalf of the person whose application was so refused or granted subject to conditions.

(5) The conditions and limitations in this regulation apply only to the display without express consent of advertisements of the descriptions therein mentioned, and shall not restrict the powers of the planning authority in regard to the determination in accordance with these regulations of any application for express consent.

12 (1) If the Minister is satisfied, whether upon representations made to him by the planning authority or otherwise, that the display of advertisements of a class or description specified in the last foregoing regulation should not be undertaken in any particular area or in any particular case without express consent, he may direct that the provisions of that regulation shall not apply to the display of such advertisements in that area or in that case.

(2) Notice of any direction given by the Minister under this regulation with respect to an area shall be published by the planning authority in a local newspaper, and on the same or a subsequent date in the Gazette; and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours.

(3) Notice of any direction given by the Minister under this regulation in a particular case shall be served by the planning authority on the owner and on any occupier of the land to which the direction relates, and on any other person who, to the knowledge of the authority, proposes to display on such land an advertisement of the class or description referred to in the direction.

(4) A direction given under this regulation with respect to an area shall come into force on the date specified in the notice relating thereto, being a date not less than fourteen, and not more than twenty-eight days after the first publication of the notice; and a direction given under this regulation in a particular case shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner of the land.

13 (1) The display of advertisements of the following descriptions may be undertaken without express consent:-

- (a) any advertisement relating specifically to a pending election, not being an advertisement to which the next following subparagraph applies;
- (b) advertisements required to be displayed by any written law for the time being in force, including (but without prejudice to the generality hereof) advertisements the display of which is so required as a condition of the valid exercise of any other power, or proper performance of any function, given or imposed by any written law;
- (c) advertisements in the nature of traffic signs employed wholly for the control, guidance or safety of traffic, and displayed in accordance with the Road Transport Act or any regulations made thereunder.

(2) Consent deemed to be granted by virtue of these regulations for the display of advertisements of the foregoing descriptions shall be subject to the following conditions in addition to the standard conditions:-

- (a) Where advertisements of the description specified in subparagraph (b) of the last foregoing paragraph could, apart from this regulation, be displayed as advertisements of a specified class, they shall conform with any provision of regulation 11 as respects size, number or height in relation to the display of advertisements of that class, and otherwise shall not exceed in those respects what they reasonably be considered necessary to achieve the purpose for which the display is required; without prejudice, however, to the express requirements in regard to size, number or height as aforesaid of any written law under which such advertisements are displayed.
 - (b) An advertisement of the description specified in subparagraph (a) of the last foregoing paragraph shall be removed within fourteen days after the close of the poll in the election to which the advertisement relates; and any other advertisement displayed for a temporary purpose in accordance with this regulation shall be removed as soon as may be after the expiry of the period during which such advertisement is required or authorised to be displayed, or, if no such period is specified, shall be removed within a reasonable time after the purpose for which such advertisement was required or authorised to be displayed is satisfied.
- (3) With respect to the display of advertisements of the description specified in subparagraph (a) of paragraph (1), standard condition I shall not apply.

PART V

Applications for express consent

14. An application to the planning authority for consent to display advertisements shall be made on a form issued by the planning authority and obtainable from that authority, and shall include such particulars and shall be accompanied by such plans, together with such additional number of copies (not exceeding two) of the form and plans, as may be required by the directions of the planning authority printed on the form.

15 (1) Subject to the provisions of these regulations, where application for consent for the display of advertisements is made to the planning authority, the authority may grant consent subject to the standard conditions specified in Part I of the First Schedule and to such additional conditions (if any) as they think fit, or may refuse consent:

Provided that where the application relates to the display in accordance with the provisions of regulation 11 of an advertisement of a specified class the authority shall not refuse consent, or impose a condition more restrictive in effect than any provision of regulation 11 in relation to advertisements of that class, unless they are satisfied that such refusal or condition is required to prevent or remedy a substantial injury to the amenity of the locality or a danger to members of the public.

(2) Without prejudice to the generality of the foregoing paragraph and subject always to the provisions of regulation 4, conditions may be imposed on the grant of consent for requiring the removal of any advertisement authorised by the consent, or the discontinuance of any use of land so authorised, at the expiration of a specified period, and the carrying out of any works required for the reinstatement of land at the expiration of that period.

(3) Consent under this regulation may be -

- (a) for the display of any particular advertisement or advertisements with or without illumination, as the application requires; or
- (b) for the use of certain land for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of advertisements or structure intended for such display, or the design or appearance of any such structure, or otherwise.

(4) A notice of refusal of an application for consent made pursuant to the provisions of regulation 8 may contain a notice requiring discontinuance of the display to which the refusal relates not later than a date (not being a date earlier than twenty-eight days after the service of the notice) to be specified in the notice, provided that if appeal is made under regulation 18 the requirement of discontinuance shall take effect only if consent to display is refused by the Minister and then at the expiration of twenty-eight days from the notification of the Minister's decision.

(5) Paragraphs (4) and (5) of regulation 21, and regulation 22, shall apply in relation to a requirement of discontinuance comprised in a notice given in pursuance of this regulation as they apply in relation to a notice served under the said regulation 21, with the modification that reference to the specified period mentioned in paragraph (3) of the said regulation 21 shall be construed as a reference to the period ending with the date on which the requirement of discontinuance takes effect.

(6) The notice referred to in paragraph (4) of this regulation may be given to any other person displaying the advertisement as well as to the applicant and nothing in paragraph (5) of this regulation shall entitle the planning authority to recover any expenses from an owner of land to whom no such notice has been given.

16 (1) Every grant of express consent shall be for a fixed period which shall not be longer than three years from the date of grant of consent, or shorter than three years unless so required by the application or considered expedient by the authority in the light of the provisions of regulation 4; and if no period is specified the consent shall have effect as consent for three years.

(2) At any time within a period of six months before the expiry of a consent granted under these regulations, application may be made for the renewal thereof, and the provisions of these regulations relating to applications for consent and to the determination thereof shall apply where application is made for such renewal.

17 (1) The grant or refusal by the planning authority of consent for the display of advertisements shall be in writing and, where the authority decide to grant consent subject to conditions in addition to the standard conditions, or to refuse consent, the reasons for their decision shall be stated in writing.

(2) The planning authority shall, within three months from the date of receipt of the application, give notice to the applicant of their decision or, if the application has been referred to the Minister in accordance with directions given by him under regulation 23, shall within three months as aforesaid notify the applicant accordingly:

Provided that such period of three months may, at any time before the expiration thereof, be extended by agreement in writing made between the authority and the applicant.

18 (1) Where, on application being made for consent under these regulations, consent is refused by the planning authority or is granted by them subject to conditions, the applicant may appeal to the Minister:

Provided that the Minister shall not be required to entertain an appeal under this regulation if it appears to him, having regard to the provisions of these regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the planning authority, or could not have been granted otherwise than subject to the conditions imposed by them.

(2) Any person who desires to appeal under this regulation shall give notice of appeal in writing to the Minister within one month from the receipt of notification of the planning authority's decision or such longer period as the Minister may allow and shall furnish to the Minister a copy of the following documents-

- (i) the application made to the planning authority;
- (ii) all relevant plans and particulars submitted to them;
- (iii) the notice of the decision, if any;
- (iv) all other relevant correspondence with the authority.

(3) The Minister may, if he thinks fit, require the applicant or the planning authority to submit within a specified period a further statement in writing in respect of any of the matters to which the appeal relates.

(4) Where an appeal is brought under this regulation from a decision of the planning authority the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the planning authority, whether or not the appeal relates to that part, and deal with the application as if it had been made to him in the first instance.

(5) Where the planning authority fail to notify the applicant as required in the last foregoing regulation within three months from receipt of the application, or within such extended period as is agreed between them, the provisions of paragraphs (1) and (2) of this regulation shall apply in relation to the application as if consent had been refused by the planning authority and as if notification of their decision had been received by the applicant at the expiration of the said period of three months or the extended period agreed upon as aforesaid, as the case may be.

(6) The decision of the Minister on an appeal under this regulation shall be final and shall otherwise have effect as if it were a decision of the planning authority.

PART VI

Provisions as to revocation and modification of consent

19 (1) Subject to the provisions of regulation 4 and of this regulation, if it appears to the planning authority that it is expedient that any express consent for the display of advertisements should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where the planning authority submit an order to the Minister for his confirmation under this regulation, the authority shall serve notice on the person on whose application the consent was granted, on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the order; and if within such period as may be specified in that behalf in the notice (not being less than twenty-eight days from the service thereof) any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the planning authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

20 (1) Where consent for the display of advertisements is revoked or modified by an order made under the last foregoing regulation then if, on a claim made to the planning authority in writing and served in the manner indicated in paragraph (3) hereof within six months after confirmation of the order, it is shown that any person has incurred expenditure in carrying out, in connection with the display in question, work which is rendered abortive by the revocation or modification, the authority shall pay to that person compensation in respect of that expenditure.

(2) For the purposes of this regulation, any expenditure incurred in the preparation of plans for the purposes of any work or upon other similar matters preparatory thereto shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid no compensation shall be paid under this regulation in respect of any work carried out before the grant of the consent which is revoked or modified, or in respect of any other loss or damage arising out of anything done or omitted to be done before the grant of that consent.

(3) A claim for compensation made to the planning authority under paragraph (1) of this regulation shall be served on the authority by delivering it at the offices of the authority or by sending it by pre-paid post.

PART VII

Provisions as to enforcement

21 (1) If it appears to the planning authority that any advertisement has been displayed on land after the coming into operation of these regulations without consent required in that behalf, or that any conditions subject to which such consent was granted have not been complied with, then, subject to any directions given by the Minister the planning authority may serve on the owner and the occupier of the land and also on any other person known to the planning authority to be displaying the advertisement without such consent, or to have displayed it in contravention of such conditions, a notice under this regulation.

(2) Any notice served under this regulation (hereinafter called "an enforcement notice") shall specify the display of advertisements which is alleged to have been begun or continued without such consent as aforesaid or, as the case may be, the matters in respect of which it is alleged that any such conditions as aforesaid have not been complied with, and may require such steps as may be specified in the notice to be taken within such period as may be so specified for restoring the land to its condition before the display was begun or for securing compliance with the conditions, as the case may be; and in particular any such notice may, for the purpose aforesaid, require the demolition or alteration of any buildings or works, the

discontinuance of any use of land, or the carrying out on land of any building or other operations.

(3) Subject to the provisions of the next following paragraph, an enforcement notice shall take effect at the expiration of such period as may be specified therein, being a period not less than -

- (a) 3 days in any case where the planning authority consider it urgently necessary in the interests of public safety that the advertisement to which the notice relates should be altered or removed, or where they are satisfied that any steps required by the notice to be taken can be taken without the removal or substantial modification of any structure or the carrying out of any building or similar operations on land;
- (b) in any other case, 7 days:

Provided that if within the period specified as aforesaid an appeal is made to the Minister under the following provisions of this regulation by a person on whom the enforcement notice was served, the notice shall take effect notwithstanding that such an appeal has been made.

(4) If any person on whom an enforcement notice is served under this regulation is aggrieved by the notice, he may, at any time within the specified period mentioned in the last foregoing paragraph, appeal against the notice to the Minister and on any such appeal the Minister -

- (a) if satisfied that the advertisement to which the notice relates is being displayed with consent under the regulations, or that it is not an advertisement to which these regulations apply or, as the case may be, that the conditions subject to which such consent was granted have been complied with, shall cancel the notice to which the appeal relates;
- (b) is not so satisfied, but satisfied that the requirements of the notice exceed what is necessary for restoring the land to its condition before the display was begun, or for securing compliance with the conditions, as the case may be, shall vary the notice accordingly;
- (c) in any other case shall dismiss the appeal:

Provided that, subject to the terms of regulation 22, where the Minister acts under either subparagraph (a) or (b) of this paragraph it may order reasonable compensation to be paid for any loss or damage suffered by the appellant in any case where the planning authority has taken enforcement action before the hearing of the appeal:

And provided that where the enforcement notice is varied or the appeal is dismissed, the Minister may, if it thinks fit, direct that the enforcement notice shall not come into force until such date (not being later than seven days from the determination of the appeal) as the Minister may think fit.

22 (1) If within the period specified in an enforcement notice or within such extended period as the planning authority may allow, any steps required by the notice to be taken (other than the discontinuance of any use of land) have not been taken, the planning authority may enter on the land and take those steps and may recover as a simple contract debt in any court of competent jurisdiction from the person who is then the owner of the land any expenses

reasonably incurred by them in that behalf; and if that person having been entitled to appeal to the Minister under the last foregoing regulation, failed to make such an appeal, he shall not be entitled in proceedings under this paragraph to dispute the validity of the action taken by the planning authority upon any ground which could have been raised by such an appeal.

(2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with an enforcement notice served under the last foregoing regulation in respect of any display of advertisements, and any sums paid by the owner of any land under the foregoing paragraph in respect of the expenses of the planning authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person who displayed such advertisements in contravention of these regulations.

PART VIII

Miscellaneous

23 (1) If it appears expedient to the Minister so to do he may give directions to the planning authority requiring them -

- (a) to refer to him for his decision any particular application for consent under these regulations or any class or description of such applications;
- (b) furnish him with such information as he may require for the purpose of exercising any of his functions under these regulations;
- (c) to consult, in the exercise of their functions under these regulations, with any, or any class of, persons, bodies or authorities,

and, without prejudice to the generality of the foregoing, such directions may be given as respects any particular area or class of area.

(2) Where an application is referred to the Minister under this regulation, the provisions of regulation 15 and paragraph (3) of regulation 18 shall apply, with such modifications as may be necessary, to the determination of the application by the Minister.

(3) If it appears to the Minister, after consultation with the planning authority, to be expedient that an order should be made under regulation 9 defining an area of special control, or revoking or varying such an order, or that a notice should be served under regulation 8, he may give directions to the planning authority requiring them to make such an order, or to serve such a notice, as the case may be, or may himself make the order or serve the notice; and any reference in these regulations to the power of the planning authority to serve a notice under regulation 8 shall be deemed to include a reference to the power of the Minister to serve such a notice.

(4) Where the Minister proposes to make an order under regulation 9 he shall prepare a draft of the order in the form in which he proposes to make it, defining an area by reference to a map, and in all other respects the provisions of the Second Schedule shall apply, with such modifications as may be necessary, to the making of the order by the Minister as they apply to the making of such an order by the planning authority.

(5) Where the Minister serves a notice under regulation 8 he may require any application made in pursuance of the notice to be submitted to him instead of to the planning authority.

(6) The decision of the Minister on any application referred or submitted to him under the provisions of this regulation shall be final and shall otherwise have effect as if it were a decision of the planning authority.

24 (1) The planning authority shall keep a register containing the following information, namely:-

- (a) particulars of any application made to them for consent for the display of advertisements, including the name and address of the applicant, the date of the application, and brief particulars of the type of advertisements forming the subject of the application;
- (b) particulars of any direction given under these regulations in respect of the application;
- (c) the decision (if any) of the planning authority in respect of the application and the date of such decision;
- (d) the date and effect of any decision of the Minister in respect of the application, whether on appeal or on a reference to him under regulation 23.

(2) Such register shall include an index, which shall be in the form of a map, unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the offices of the planning authority.

(4) Every entry in such register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

25 (1) Any power conferred by these regulations to give a direction shall be construed as including power to cancel or vary that direction by a subsequent direction.

(2) Any notice to be served or given under these regulations may be served or given in the manner prescribed by section 34 of the Act.

FIRST SCHEDULE

[REGULATION 6]

[The Standard Conditions]

PART I

Conditions attaching to all consents save as otherwise provided in the regulations

1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the planning authority.

2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the planning authority.

3. Where any advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the planning authority.

PART II

Condition attaching to consent deemed to be granted

4. An advertisement for which consent is deemed to be granted shall not be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, waterway (including any coastal waters) or airfield.

SECOND SCHEDULE

[REGULATION 9]

[Procedure for Defining Areas of Special Control]

1. Where the planning authority propose to define an area of special control they shall make an order, defining an area by reference to a map annexed thereto, either with or without descriptive matter (which, in the case of any discrepancy with the map, shall prevail except in so far as may be otherwise provided by the order).

2. As soon as may be thereafter the authority shall submit the order with map and any descriptive matter annexed thereto to the Minister for approval, and shall send therewith to the Minister two certified copies of the order, map and descriptive matter (if any), and a statement of their reasons for proposing that the area to which the order relates should be defined as an area of special control. Where it appears expedient to the Minister in any particular case so to do, he may direct authority to send to him an additional certified copy of the order, map and any descriptive matter.

3. The authority shall forthwith publish in the Gazette, and in each of two successive weeks in a local newspaper, a notice in the form prescribed in the Third Schedule (or in a form substantially to the like effect) describing the area, stating that an order defining it as an area of special control for the purpose of these regulations has been submitted to the Minister, naming a place or places where a copy of the order and of the map and any descriptive matter annexed thereto and of the statement of reasons mentioned in the last foregoing paragraph may be seen at all reasonable hours without payment of fee and specifying the time, not being less than 28 days from the first advertisement, within which objections or representations with respect to the order may be sent in writing to the Minister.

4. If any objection is duly made as aforesaid and is not withdrawn the Minister shall, before approving the order, either cause a public local inquiry to be held or afford to the person making such objection an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if any such person avails himself of the opportunity of being heard, the Minister shall afford to the planning authority, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

5. After considering any representation or objection duly made and not withdrawn and the report of the person by whom any inquiry or hearing was held, the Minister may approve the order with or without modifications:

Provided that if the Minister proposes to approve the order subject to a modification involving the inclusion therein of any area of land not included in the order as submitted he shall publish prior notice of his intention so to do and shall afford opportunity for the making of objections and representations with respect to the proposed modification, and for such further hearing as may appear to him in the light of any such objections or representations, to be necessary or expedient.

6. As soon as may be after the order has been approved, the planning authority shall publish in the Gazette, and in each of two successive weeks in a local newspaper, a notice in the form prescribed in the next following schedule (or in a form substantially to the like effect) stating that the order has been approved and naming a place or places where a copy or copies thereof and of the map and any descriptive matter annexed thereto may be seen at all reasonable hours without payment of fee; and any such order shall come into force on the date on which notice of the approval thereof is published in the Gazette.

THIRD SCHEDULE

[Forms of Notices]

FORM NO. 1

Form of notice of submission for approval of an order defining an area of special control.

TOWN AND COUNTRY PLANNING ACT TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS.

Notice is hereby given that the planning authority in exercise of their powers under regulation 9 of the Town and Country Planning (Control of Advertisements) Regulations, have submitted for the approval of the Minister an order defining as an area of special control for the purposes of the said regulations an area of land situate at

and described in the schedule hereto, which land is shown edged and coloured on the map accompanying the order and that the order is about to be considered by the Minister.

A copy of the order and of the map referred to [and of the descriptive matter annexed thereto] (1) and of a statement of reasons submitted therewith have been deposited at

and will be open for inspection without payment of fee between the hours of .

Any objection to the order must be made in writing, stating the grounds of the objection, and addressed to the Minister before the (2) day of 19 .

Schedule

(Here insert description of the lands comprised in the order).

Dated the day of , 19 .

(Signature of duly authorised officer)

Directions for completing this Form

- (1) Strike out words in square brackets where inapplicable.
- (2) Insert a date not less than 28 days from the first date of advertisement in the Gazette of local newspaper.

FORM NO. 2

Form of notice of the approval of an order defining an area of special control.

**TOWN AND COUNTRY PLANNING ACT TOWN AND COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS) REGULATIONS**

Notice is hereby given that the Minister in exercise of the powers vested in him by regulation 9 of the Town and Country Planning (Control of Advertisements) Regulations, has approved [with modifications] (1) an order defining as an area of special control for the purposes of those regulations an area of land situate at

and described in the schedule hereto, which land is shown edged and coloured
on the map referred to in the order.

The order comes into force on the day of , 19 . (2)

A copy of the approved order and of the map [and of the descriptive matter annexed thereto] (1) have been deposited at and will be open for inspection without payment of fee between the hours of .

Schedule

(Here insert description of the lands comprised in the order).

Dated the day of , 19 .

(Signature of duly authorised officer.)

IMPORTANT

Attention is drawn to regulation 10 of the above regulations under which advertisements being displayed in an area defined as an area of special control are in certain circumstances required to be removed without further notice within two months after expiry of a specified period, not being less than six months from the date on which the order defining the area comes into force.

Directions for completing this Form

- (1) Strike out words in square brackets where inapplicable.

- (2) Insert date of publication in the Gazette.

SECTION 32

The Town and Country Planning (Building) Regulations

[1st April, 1975]

SI. 12 of 1975
SI. 104 of 1975
SI. 9 of 1977
SI. 50 of 1982

PART A - APPLICATION AND ADMINISTRATION

1 (1) These Regulations may be cited as the Town and Country Planning (Building) Regulations.

(2) These Regulations, except regulations 77, 78, 79, 80 and 81, shall not apply in relation to -

- (a) a dwelling-house having a total superficial floor area (as ascertained by external measurement) not exceeding 1,000 square feet (92.90 square metres);
- (b) any building in respect of which planning permission, other than permission expressed to be granted on an outline application, has been granted under Part IV of the Act prior to the commencement of these Regulations;
- (c) any building used for agricultural or forestry purposes, other than a house, a slaughterhouse or a packing shed.

2 (1) In these Regulations, unless the context otherwise requires -

"the Authority" means the Town and Country Planning Authority established by section 3 of the Act;

"building" and "building operations" shall have the meanings assigned thereto respectively by section 3 of the Act;

"certificate of approval" means a certificate of approval granted under regulation 3;

"Chief Fire Officer" means the public officer holding or acting in the office of Chief Fire Officer;

"Chief Planning Officer" means the person holding or acting in the public office of Chief Planning Officer or Senior Planning Officer, as the case may be;

"closure order" means a closure order made under regulation 79;

"construct" includes alter, erect, extend, instal or fit, but does not include the simple replacement of a defective or obsolete component even if the new component is not absolutely identical with the old, the rectification of a defect by minor reconstruction in order to restore a building to its form before the defect became apparent, and general repair and re-decoration; and "construction" shall be construed accordingly;

"dangerous building" means a building which constitute a danger to public health or safety by reason of the building, or anything attached to the building, being in such a state as to cause risk of injury or to constitute a fire risk or health risk to the occupiers or owners of such building or to any neighbouring building or to the public;

"dead load", in relation to a building, means the weight of all walls, floors, roofs, partitions and any other permanent construction of that building;

"drain" means any pipe conveying only surface water or subsoil water or both and which is below ground level;

"drainage system" means the system of pipes and drains used for the drainage of a building including all other fittings, appliances and equipment so used but excluding subsoil water drains;

"foul water" means any water contaminated by soil water or waste water or both; in particular it includes the effluent from an aqua privy or septic tank;

"habitable room" means a room used or intended to be used for living, eating or sleeping, and "habitation" shall be construed accordingly;

"house" includes any part of a building, being a part which is occupied or intended to be occupied as a self-contained dwelling, and includes a flat or apartment;

"imposed load", in relation to a building, means all loads other than the dead load of that building;

"manhole" means any chamber constructed on a drain so as to provide access thereto for inspection and cleaning;

"the owner", in relation to a building, includes the person for the time being receiving the rent of the building in connection with which that expression is used, whether on his own account or as agent or otherwise for any other person or persons, or who would receive the rent if such building were let to a tenant;

"Planning Inspector" means any person holding or acting in the public office of Chief Planning Inspector or Planning Inspector, and includes the Chief Planning Officer and any person holding or acting in the public office of Development Control Officer;

"plot" means all that piece of land which belongs or will belong to a building, notwithstanding that the plot may be shared between the building and its ancillary buildings;

"private sewer" means any sewer other than a public sewer;

"public sewer" means any sewer maintained by a public authority;

"rainwater pipe" means a pipe for conveying only rain water from any part of a building to a drain or rain- water tank;

"sewer" means any pipe conveying foul water and which is below ground level;

"soakaway" means a pit or channel suitably prepared to receive water for seepage into the surrounding ground;

"soil pipe" means a pipe for conveying foul water to a sewer;

"soil water" means water containing excreted matter;

"sub-soil water" means ground water naturally contained in the subsoil;

"surface water" means the water run off from roofs and the ground surface;

"trade effluent" means any liquid, whether with or without particles or matter in suspension therein, which is wholly or in part produced in the course of any trade or industry but does not include domestic sewage;

"ventilating pipe" means a pipe open at its highest point to the atmosphere which ventilates a drainage system or part thereof;

"waste appliance" means a sanitary appliance for the collection and discharge of waste water;

"waste pipe" means a pipe for conveying waste water to a soil pipe or sewer;

"waste water" means used water not being soil water.

(2) Where any reference is made in these Regulations to a material, component, design, construction or method of operation complying with a British Standard or Code of Practice, the reference to such British Standard or Code of Practice, as the case may be, shall be construed as a reference to the latest edition for the time being of that Standard or Code, including any published amendments thereto, as published by the British Standards Institute; and the abbreviations "BS" and "CP" mean respectively British Standard and Code of Practice.

(3) Any reference in these Regulations to a height, width, area, cubic content or other dimension shall, unless the context otherwise requires, be taken to be a height, width, area, cubic content or other dimension, as the case may be, measured or calculated in accordance with the provisions of the Third Schedule (relating to the rules of measurement).

(4) Where it is provided in these Regulations that the use of a particular material, method of construction or specification shall be deemed to satisfy any of the requirements of these Regulations, such provisions shall not be construed so as to require any person necessarily to use such material, method of construction or specification.

3 (1) No person shall -

(a) carry out building operations for the alteration, erection, extension of or the installation of fittings in connection with a building; or

(b) change the use of a building so that it thereby ceases to belong to one class of building and enters another class of building as specified in regulation 21,

save under and in accordance with a certificate of approval granted by the Authority in that behalf:

Provided that nothing in this regulation shall apply in relation to any operation or use deemed not to involve development under paragraphs (b), (c) and (d) of subsection (2) of section 7 of the Act.

(2) An application for a certificate of approval shall be in writing and shall be submitted to the Authority together with the particulars, information and documents specified in the First Schedule, and such other information as the Authority may in any particular case require.

(3) Drawings, descriptions and specifications submitted under subregulation (2) shall be in triplicate and signed on each sheet thereof by the applicant or any person authorised by him in that behalf.

(4) There shall be paid in respect of each application submitted to the Authority for a certificate of approval, where such application is not accompanied by an application made to the Authority for planning permission under the Act, a fee of twenty five rupees.

(5) The fee payable shall be paid -

- (i) at the Office of the Town and Country Planning Division, Victoria; or
- (ii) where the application relates to development on Praslin or La Digue, at the Office specified in paragraph (i) or at the Office of the Government Representative Praslin and La Digue.

(6) No application made to the Authority for a certificate of approval, which is not at the same time accompanied by an application made to the Authority for planning permission, shall be considered unless it is accompanied by an official receipt for the full amount of the fee payable.

(7) In the case of building operations approved under this regulation, a copy of the certificate of approval and of each of the drawings, descriptions and specifications approved and certified by the Authority shall be kept on the site through- out the construction period and any person having charge of the site shall produce any or all of such documents to the Planning Inspector requesting production thereof at any reasonable time for examination on the site.

4 (1) Whenever any building operations are about to commence, the builder shall, not less than forty-eight hours prior to the commencement thereof, notify the Chief Planning Officer in writing of the date and time of such commencement and shall in particular, but without prejudice to the foregoing, give the like notice prior to the commencement of any of the following operations, that is to say -

- (a) the launching or covering-in in any way of any drain, sewer, septic tank or soakaway;
- (b) the concreting of any reinforcement to a concrete foundation, floor slab, beam, column or roof slab;
- (c) such other stages of any building operations as the Authority may specify in the certificate of approval relating thereto.

(2) Where by reason of the failure of any person to comply with the provisions of subregulation (1) the Chief Planning Officer has not been notified of any matter as required by

the said provisions, the Chief Planning Officer may by notice in writing direct that any person carrying on building operations in respect of which the failure to comply as aforesaid has occurred shall -

- (a) forthwith cease to carry on such building operations or so much thereof as may be specified in the notice until any work specified in the notice under paragraph (b) has been carried out to the satisfaction of the Chief Planning Officer; and
- (b) carry out within the period specified in the notice such work as may be specified therein being work which in the opinion of the Chief Planning Officer is necessary for the purpose of ascertaining whether the provisions of these Regulations have been or are being complied with in connection with such operations.

(3) Where the Chief Planning Officer is satisfied that any building operations have been or are being carried out otherwise than in compliance with the provisions of these Regulations, he may by notice in writing give such direction to the builder as may in the opinion of the Chief Planning Officer be necessary for securing compliance with those provisions; and for that purpose, a Planning Inspector may carry out such tests of any drain or take such samples of any material used or to be used in connection with any building operations as the Chief Planning Officer may direct.

(4) Where the Chief Planning Officer directs any person by notice in writing under this regulation to do or to refrain from doing any act within a period specified in the notice, it shall be lawful for the Chief Planning Officer, notwithstanding the commencement of any proceedings against that person for failing to comply with such notice within that period, to give the like directions or further or other directions by the like notice to that person in respect of any later period.

(5) Not later than seven days after the completion of any building operations, the builder shall notify the Chief Planning Officer in writing of the date of the said completion and shall state in such notice whether the building is ready for use and occupation.

5 No person shall occupy or cause or permit to be occupied any building in respect of which building operations are being or have been carried out, or use or cause or permit to be used any part thereof, without a written permit issued by the Chief Planning Officer authorising such occupancy or use or otherwise than in accordance with any condition specified in such permit by the Chief Planning Officer in respect of such occupancy or use.

6 Any person who -

- (a) carries out any building operations or changes the use of any building in contravention of sub-regulation (1) of regulation 3;
- (b) fails to produce any document to a Planning Inspector on demand in contravention of sub-regulation (4) of regulation 3;
- (c) fails to give notice in writing to the Chief Planning Officer in contravention of subregulation (1) or subregulation (5) of regulation 4;
- (d) fails to comply with the terms of any notice given by the Chief Planning Officer under any of the provisions of regulation 4, regulation 77, regulation 78 or

regulation 81 directing such person to do or to refrain from doing any act within a specified period or otherwise;

- (e) occupies or uses or causes or permits to be occupied or used any building or any part of any building in contravention of regulation 5 or regulation 80;
- (f) wilfully hinders or obstructs any public officer in the performance of his duties or in the exercise of his functions under these Regulations,

shall be guilty of an offence and liable on conviction to a fine not exceeding R.4,000 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART B - MATERIALS, MAINTENANCE AND DURABILITY OF BUILDING PARTS

7 (1) Any materials used -

- (a) in the erection of a building;
- (b) in the structural alteration or extension of a building;
- (c) in the execution of works or the installation of fittings, being works or fittings to which any provision of these Regulations apply; or
- (d) for the backfilling of any excavation on a site in connection with any building or works or fittings to which any provision of these Regulations apply,

shall be -

- (i) of a suitable nature and quality in relation to the purposes for and conditions in which they are used;
- (ii) adequately mixed or prepared; and
- (iii) applied, used or fixed so as adequately to perform the functions for which they are designed.

(2) The use of any material or any method of mixing or preparing materials or of applying, using or fixing materials which conforms to a British Standard or a British Standard Code of Practice prescribing the quality of material or standards of workmanship shall be deemed to satisfy the requirements of this regulation if the use of that material or method is appropriate to the purpose for and conditions in which it is used.

8 All buildings shall be maintained in a safe and sanitary state. The owner shall be responsible for ensuring that his building is properly maintained.

9. The several parts of every building and all fittings and installations necessary to render every building fit to comply with the requirements of these Regulations shall be constructed of materials of sufficient durability for the conditions to which they will be subjected and put together and, where necessary, protected in such a way that the durability of the materials is not impaired.

PART C - RESISTANCE TO MOISTURE AND TERMITES

10 (1) In every building every wall, pier, buttress, column and chimney shall be so constructed as to prevent the passage of moisture from the ground to the inner surface of any storey of the building in such a manner as would be likely to affect human health or to any part of the building that would be harmfully affected by such moisture.

(2) The requirements of this regulation shall be deemed to be satisfied if the wall, pier, buttress, column or chimney, as the case may be -

- (a) has a damp-proof course composed of approved thicknesses of polythene, aluminium, lead or plastic, or composed of bitumen, coal tar, pitch or asphalt either alone or mixed or in conjunction with a felt, hessian or asbestos base and is not less than 1/8 inch (3.18 millimetres) thick with a minimum lap of 4 inches (101.6 millimetres) where composed of sheeting, which in the case of an external wall or of a pier, buttress, column or chimney forming part of an external wall, is at a height of not less than 6 inches (152.4 millimetres) above the finished surface of the adjoining ground and any paving laid on the adjoining ground; and
- (b) has such other additional barriers to moisture in continuation of the damp-proof course required by paragraph (a) as may be necessary to ensure that moisture is not transmitted to any timber or other material which would be adversely affected by it or to the inside of the building; and
- (c) being a wall, pier, buttress, column or chimney which extends below the level of the damp-proof course required by paragraph (a) is constructed below that level wholly of materials not likely to be adversely affected by moisture from the ground.

11. The lowest floor of every part of any building shall resist the passage of moisture from the ground to a degree sufficient for the purpose for which the building or that part of the building is intended to be used.

12 In every building the roof, external shell and parts thereof, separately and in conjunction one with the other, shall be sufficiently weather-proof for the purpose for which the building is intended, having regard to the degree of exposure of a particular part.

13 In every building the ground within the perimeter of the external walls and for a distance of 5 feet (1.52 metres) outside those walls shall be so sterilised as to prevent the passage of termites from the ground to any part of the building that would be harmfully affected by such termites, and all structural timber used in the construction of every building shall be sufficiently impregnated with an approved chemical for protection against termites except where termite-resistant timber is used.

PART D - STRUCTURAL STABILITY

14 Every building shall be designed to carry the loads imposed on it without overstressing the material of construction and without instability. The loads imposed shall include the dead load of the building itself, and the imposed loads of goods, persons and the forces of nature.

15 Loads imposed on a building shall be calculated as follows -

- (a) dead loads shall be calculated in accordance with CP 3: Chapter V : Part I : 1967;

- (b) imposed loads shall be calculated in accordance with CP 3 : Chapter V : Part I : 1967;
- (c) wind loads shall be calculated in accordance with CP 3 : Chapter V : Part 2 : 1972:

Provided that -

- (i) the minimum design velocity shall be 60 miles per hour; and
- (ii) in no case shall the factor for S3 be taken as less than 1.

16 (1) The foundations of every building shall -

- (a) be so designed and constructed as to sustain and transmit to the ground the combined dead load of the building and the imposed vertical and lateral loads in such a manner that the pressure on the ground shall not cause such settlement as may impair the stability of the whole or any part of the building; and
- (b) be taken down to such a depth or be so designed and constructed as to safeguard the building against damage by swelling or shrinking of the subsoil or erosion; and
- (c) be capable of adequately resisting any attack by sulphates or any other deleterious matter present in the subsoil.

(2) The requirements of this regulations shall be deemed to be satisfied if the foundations of a building are constructed in accordance with CP 2004: 1972 or, in the case of any foundations constructed of reinforced concrete, if the work complies with CP 114 : Part 2 : 1969.

17 (1) Every part of the structure of a building above the foundations thereof, either alone or in combination with the rest of the structure, shall be capable of safely sustaining and transmitting the dead load, imposed loads and the horizontal and inclined forces to which it may be subjected without exceeding the appropriate limits of stress for the materials of which it is constructed and without undue deflection.

(2) The requirements of this regulation shall be deemed to be satisfied as to -

- (a) any structural work of steel, if the work complies with BS 449 : Part 2 : 1969 as read with Supplement No. 1 (PD 3343) to BS 449 : Part I : 1970 and Addendum No. 1 (PD 4064) to BS 449: Part I : 1970;
- (b) any structural work or reinforced concrete, if the work complies with CP 114: Part 2 : 1969;
- (c) any structural work of prestressed concrete, if the work complies with CP 115 : Part 2 : 1969;
- (d) any structural work of precast concrete, if the work complies with CP 116 : Part 2 : 1969 as read with CP 116 : Addendum No. 1 : 1970;

- (e) any structural work of timber, if the work complies with CP 112 : 1952 or CP 112 : Part 2 : 1971;
- (f) any structural work of bricks, blocks or plain concrete, if the work complies with CP 111 : Part 2 : 1970;
- (g) any composite construction in structural steel and concrete, if the work complies with CP 117 Part I : 1965; and
- (h) any structural work in one of the principal or supplementary aluminium alloys designated in section 1.1 of CP 118 : 1969, if the work complies with that publication : Provided that for the purposes of section 5.3 of CP 118 : 1969 the structure shall be classified as a safe-life structure.

PART E - STRUCTURAL FIRE PRECAUTIONS, MEANS OF ESCAPE, ACCESS AND BALUSTRADES

18 For the purpose of reducing the danger of the outbreak and spread of fire, the following provisions shall, notwithstanding the limits of application of this Part prescribed by regulation 19, have effect in relation to buildings, that is to say -

- (a) every building and its several parts shall be so designed and constructed having regard to the risk inherent in the use for which the building or part is intended, the size of the building and its proximity to other buildings -
 - (i) as to reduce sufficiently the risk of the ignition of any part of the building and the spread of fire within the building, into the building and out of the building; and
 - (ii) as to withstand the effects of fire for a sufficient period to avoid such collapse of the building as would increase the risk of the spread of fire;
- (b) every building shall be so designed and constructed that in the event of an outbreak of fire in the building every person therein may leave the building and its precincts in safety;
- (c) every building shall be provided with suitable and safe access open to the sky having regard to the purpose for which the building is intended, including access for cleansing, fire fighting and for the escape of the occupants in the event of an outbreak of fire;
- (d) except where the Chief Fire Officer otherwise permits in writing, every building shall be provided with -
 - (i) an effective means of giving warning in case of fire; and
 - (ii) adequate fire fighting equipment,

which shall be specified by the Chief Fire Officer and, after installation, be maintained and regularly tested by the owner or occupier to the satisfaction of the Chief Fire Officer.

19 This Part (except regulation 18) shall not apply to buildings other than buildings which-

- (a) do not exceed six storeys or 60 feet (18 metres) in height, whichever is the lesser; and
- (b) do not exceed 200,000 cubic feet (5,700 cubic metres) in volume or which, if divided into compartments, include no compartment which exceeds 200,000 cubic feet (5,700 cubic metres) in volume; and
- (c) are included in class A, B, C, D, E, F or G as defined in regulation 21:

Provided that in the case of any such buildings in class B(i) only regulations 24 to 32 inclusive shall apply.

20 In this Part and, so far as relevant, in the Schedules hereto -

"basement storey" means a storey which is below the ground storey; or, if there is no ground storey, means a storey the floor of which is situated at such a level or levels that some point on its perimeter is more than 4 feet (1.2 metres) below the level of the finished surface of the ground adjoining the building in the vicinity of that point;

"boundary of the plot", in relation to any side of a building or compartment, means the boundary of the land belonging to the building (such land being deemed to include any abutting portion of any street, canal or river but only up to the centre line thereof);

"column" means an isolated vertical load-bearing member one of whose horizontal surface dimensions, whilst not less than the other horizontal dimension, is not more than four times as great;

"combustible", in relation to a material, means that the material is not capable of withstanding the combustibility test for materials prescribed in British Standard 476 : 1953, clauses 3 and 4, and "non- combustible" shall be construed accordingly;

"compartment" means any part of a building which is separated from any other part by one or more compartment walls or compartment floors, or both such walls and floors; and for the purposes of these Regulations, if any part of the top storey of a building is within a compartment, the compartment shall also include any roof space above such part of the top storey;

"compartment wall" and "compartment floor" mean respectively a wall or a floor which complies with regulation 26 and which is provided as such for the purposes of regulation 24 or to divide a building into compartments for any purpose in connection with regulation 22;

"door" includes any shutter, cover or other form of protection to an opening in any wall or floor of a building, or in the structure surrounding a protected shaft, whether the door is constructed of one or more leaves;

"element of structure" means -

- (a) any member forming part of the structural frame of a building or any other beam or column (not being a member forming part of a roof structure only);
- (b) a floor, including a compartment floor, other than the lowest floor of a building;

- (c) an external wall;
- (d) a compartment wall;
- (e) structure enclosing a protected shaft;
- (f) a loadbearing wall or loadbearing part of a wall;
- (g) a gallery;

"exit" means a route by way of a room or doorway into a passage and thereafter only by way of a passage including any stairway forming part thereof (but at no stage by means of a lift or escalator) by which a person may reach a place of safety; and means, in relation to -

- (a) any point on a storey of a building, a route from that point;
- (b) any room, a route from a doorway of the room;
- (c) any storey of a building, a route from a point of egress from the storey;
- (d) any flat, a route from an entrance to the flat;

"fire stop" means a barrier or seal which would prevent or sufficiently retard the passage of smoke or flame within a cavity or around a pipe or duct where it passes through a wall or floor or at a junction between elements of structure and "fire-stopped" shall be construed accordingly;

"ground storey" means a storey the floor of which is situated at such a level or levels that any given point on its perimeter is at or about, or not more than 4 feet (1.2 metres) below, the level of the finished surface of the ground adjoining the building in the vicinity of that point; or, if there are two or more such storeys, means the higher or highest thereof;

"internal lining" means any applied finish to the surface of a wall, ceiling or soffit within a building or, where there is no applied finish, to the material of which the wall, ceiling or soffit is constructed;

"opening", in relation to any external wall or side of a building, means any part of such external wall or side having the fire resistance less than that required for the wall by these Regulations, or any part of such external wall having attached or applied to its external face combustible material of a thickness of more than 1/32 inch (0.8 millimetre) whether for cladding or for any other purpose;

"period of fire resistance" means the specific period for which an element of structure shall be capable of resisting the action of fire under the conditions of test appropriate to such element in accordance with British Standard 476 : Part I : 1953;

"pier" means a loadbearing member which forms an integral part of a wall and whose width is not more than four times its thickness including the thickness of the wall;

"pitch line" means a notional line drawn from the floor or landing below a stairway to connect the nosings of all the treads in a flight of stairs;

"place of safety" means either -

- (a) an unenclosed space in the open air at ground level; or
- (b) an enclosed space at ground level which has means of access to an unenclosed space with sufficient exits not less than the width or aggregate widths of the exits discharging from the building into the enclosed space;

"protected doorway" means -

- (a) any doorway containing a self-closing, fire-resisting door -
 - (i) from a flat into an open access balcony; or
 - (ii) giving access to a protected shaft or stairway enclosure; or
- (b) any doorway leading directly to a place of safety in the open air at ground level;

"protected shaft" means a stairway, lift, escalator, chute, duct or other shaft which enables persons, things or air to pass between different compartments;

"protecting structure" means any wall, floor or other element of structure which encloses a protected shaft but does not include -

- (a) a wall which also forms part of a compartment wall or an external wall;
- (b) a floor which also forms part of a compartment floor or a floor laid directly on the ground; or
- (c) a roof;

"stairway enclosure", in relation to an exit, means any part of such exit, not being a part within a room, which includes a stairway, landings and approaches thereto and which extends to a place of safety :

Provided that where a stairway enclosure passes between compartments of a building it shall comply with the requirements for a protected shaft;

"surface spread of flame" means the capacity of any surface to withstand the spread of flame for the period specified in relation to that surface by the pertinent test of British Standard 476 : Part I : 1953, clause 7;

"travel distance", in relation to any point on a storey of a building, means the distance to be covered between that point and the nearest protected doorway, measured-

- (a) where the floor area is divided up by fixed seating or other obstructions, by way of the shortest route along open gangways;
- (b) where not so divided, by way of the shortest route;

"trim" means any architrave, cover mould, picture rail, skirting or similar narrow member.

21 For the purposes of these Regulations, buildings shall be divided into the following classes and any reference to a class in relation to any building shall be construed accordingly:

Class A. *Residential Buildings*

- (i) Buildings of not more than two storeys and buildings comprising not more than two dwellings;
- (ii) Buildings of three or more storeys and buildings comprising three or more dwellings;
- (iii) Dormitories in which all the persons who habitually or intermittently pass the night are well acquainted with the escape routes;
- (iv) Hotels, inns, and other similar buildings where accommodation for persons is ordinarily available.

Class B. *Institutional Buildings*

- (i) Buildings for use principally by persons whose liberty is restricted;
- (ii) Buildings for use principally by persons whose activity is restricted by age or physical limitations.

Class C. *Buildings used for trade, commerce, professional or administrative services*

- (i) Buildings used for office premises;
- (ii) buildings used for shop premises, laboratories and television, radio or film studios.

Class D. *Assembly Buildings, where persons congregate for any religious, social or other communal purpose or for the purpose of entertainment*

- (i) Buildings used as passenger stations, grandstands, stadia;
- (ii) Buildings used as non-residential clubs, colleges, schools, buildings used for religious purposes, clinics, public houses;
- (iii) Buildings used as theatres, cinemas, public halls, radio and television studios to which the public are admitted; restaurants and cafes; exhibition halls.

Class E. *Buildings for the purpose of manufacturing, fabricating, processing, packaging or repairing operations, including adapting for sale, cleaning and demolishing*

- (i) Buildings so used where hazardous processes or materials are involved;
- (ii) Buildings so used where non-hazardous products or materials are involved.

Class F. *Buildings for the storage of finished products or bulk materials*

- (i) Buildings so used where hazardous products or materials are involved;

- (ii) Buildings so used where non-hazardous products or materials are involved.

Class G. *Buildings in which are stored or used hazardous materials in respect of which special legislation exists.*

Class H. *Buildings not principally used for human occupation.*

- (i) Buildings for use principally by animals;
- (ii) Other buildings.

22 (1) Where a building is divided into parts which are occupied by different persons, the separating walls and floors between the parts shall comply with the provisions of this Part.

(2) Where a building or a part of a building occupied by one person is divided into compartments the respective use or intended use of each of which belongs to a different class under regulation 21, either of the following provisions shall apply, that is to say -

- (a) each compartment shall comply with the provisions of this Part relating to the class to which it belongs and the separation between the compartments shall comply with the provisions of this Part as regards insulation, fire or other risks; or
- (b) all compartments shall comply with the provisions of this Part relating to the part for which the more stringent provisions exist and in this case the separation between the compartments shall be exempt from any provision requiring a specific standard of fire resistance.

23 (1) If the use of a building is changed so that the building enter into a different class as defined in regulation 21, the whole building shall be made to comply with the provisions of this Part relating to the new class.

(2) If a building is divided to form two or more occupancies each of which is or is intended to be of the same use as the whole building was before division, then each occupancy so formed and the separation between them shall comply with the provisions of this Part as if the whole building was being newly erected.

24 (1) Any building which exceeds the limits of floor area or cubic capacity set out in Table 1 in the Second Schedule shall be divided into compartments by means of compartment walls or compartment floors or both, and so that the cubic capacity of any compartment or the floor area of any storey therein shall not exceed those limits.

(2) The following walls and floors shall always be constructed as compartment walls or compartment floors -

- (a) any floor in a building in class B;
- (b) any wall or floor separating a flat or maisonette from any other part of the same building;
- (c) except in the case of a subsidiary occupancy which does not exceed 120 square feet (11 square metres) in area and does not include the use of a hazardous material or process, any wall or floor separating a part of a

building from any other part of the same building where by reason of the use or intended use thereof, the parts fall into different classes as defined in regulation 21;

- (d) any floor over a basement storey.

25 (1) Except as otherwise provided in this regulation, every element of structure shall be so constructed as to have a period of fire resistance for not less than whichever of the periods specified in Table 1 in the Second Schedule is relevant, having regard to the class and dimensions of the building.

(2) Any element of structure shall have a period of fire resistance not less than the minimum period required by this Part for any element which it supports.

(3) In addition to the requirements of subregulation (1) of this regulation, every external wall shall have a period of fire resistance of not less than half an hour:

Provided that this requirement shall not apply to any part of an external wall which is non-loadbearing and which may, by virtue of the provisions of regulation 28, be treated as an opening.

(4) In the case of a single storey building, nothing in subregulation (1) of this regulation shall apply to any element of structure consisting of a structural frame, beam, pier, or column which does not support a wall or gallery.

(5) In this regulation and in Table 1 in the Second Schedule, any reference to a building means the building or, if the building is divided into compartments, the compartment of the building of which the element of structure forms a part:

Provided that in the said Table 1 any reference to height means the height of the building and not of any compartment of the building, but if any part of the building is completely separated throughout its height both above and below ground from all other parts by a compartment wall or walls in the same continuous vertical plane, any reference to height means, in relation to that part, the height of that part.

(6) If any element of structure forms part of more than one building or compartment and the requirements for the period of fire resistance specified in Table 1 in the Second Schedule in respect of one building or compartment differ from those specified in respect of the other building or compartment of which the element forms part, such element shall be so constructed as to comply with the greater or greatest of the periods so specified.

(7) Notwithstanding the foregoing provisions of this regulation, the requirements of this regulation and of Table 1 in the Second Schedule with regard to the minimum periods of fire resistance shall, in the case of the elements of structure and parts of a building specified in Table 2 in the Second Schedule, be modified in accordance with the said Table 2.

(8) An element of structure shall be deemed to satisfy this regulation with regard to the requisite period of fire resistance if -

- (a) it is constructed in accordance with one of the specifications in Table 3 in the Second Schedule and the notional period of fire resistance given in that Table as being appropriate to that type of construction and other relevant factors is not less than the requisite period of fire resistance; or

- (b) a similar part made to the same specification as that element is proved to have the requisite period of fire resistance under conditions of test by an approved testing authority.

26 (1) Any compartment wall or compartment floor shall be imperforate with the exception of the following -

- (a) an opening fitted with a door which complies with regulation 29;
- (b) an opening for a protected shaft;
- (c) an opening for a ventilation duct but only if the space surrounding the duct is fire-stopped and if any duct having a cross-sectional area of more than 30 square inches (0.02 square metres) is fitted with an automatic fire shutter where it passes through the compartment wall or compartment floor;
- (d) an opening for a pipe which -
 - (i) is not a flue pipe;
 - (ii) does not exceed 4 inches (100 millimetres) in diameter if made of combustible material or 6 inches (150 millimetres) in diameter if not made of combustible material;
 - (iii) has the space surrounding the pipe fire-stopped where it passes through a compartment wall or compartment floor;
- (e) an opening for a chimney, ventilation duct, duct enclosing one or more flue pipe or a refuse chute: in every case the construction shall be of non-combustible material and have a period of fire resistance not less than that of the compartment wall or compartment floor through which it passes and in no case less than an $\frac{1}{2}$ hour.

(2) Where a compartment wall or compartment floor forms a junction with any element of structure forming part of -

- (a) any other compartment wall or compartment floor;
- (b) an external wall; or
- (c) a protected shaft,

the structure shall be bonded together at the junction or, alternatively, the junction shall be fire-stopped.

(3) Where any compartment wall forms a junction with a roof, the junction shall be so formed as to ensure that the effectiveness of the resistance of the wall to the horizontal spread of fire is not impaired.

(4) No combustible material shall be carried through or across an end of any compartment wall or compartment floor in such a manner as to render ineffective the resistance of such wall or floor to the effects of fire and the spread of fire.

- 27 (1) A protected shaft shall not be used for any purpose other than -
- (a) as a stairway, lift, escalator, chute, duct or other shaft which enables persons, things or air to pass from one compartment to another;
 - (b) for the accommodation of any pipe duct; or
 - (c) as sanitary accommodation or washrooms or both.

(2) Subject to the provisions of this regulation, every protected shaft shall be completely enclosed.

(3) Any wall, floor or other element of structure enclosing a protected shaft but not being a protecting structure may contain such openings as shall be in accordance with the provisions of regulations 26 and 28.

- (4) There shall be no opening in any protecting structure except the following :
- (a) any opening for a pipe the surround of which is effectively fire-stopped;
 - (b) any opening fitted with a fire door which complies with regulation 29;
 - (c) a lift, but only if the requirements of subregulation (5) of this regulation are complied with;
 - (d) an inlet to or outlet from a ventilation duct or an opening for that duct.

- (5) Any protected shaft containing a lift or lifts -
- (a) shall be ventilated to the open air by one or more openings situated at the top of the shaft and having a total unobstructed area of not less than 1 square foot (0.1 square metre) for each lift in the shaft or shall be completely covered to an area of half the cross-sectional area of the shaft with a material readily shattered by fire; and
 - (b) shall not contain any pipe conveying gas or oil or any ventilating duct; and
 - (c) may have an opening in its protecting structure for the passage of cables operating the lift into the room containing the lift motor:

Provided that if the opening is at the bottom of the shaft the opening shall be as small as is practicable.

- (6) If a protected shaft serves as or contains a ventilation duct -
- (a) the duct shall be fitted with automatic fire and smoke shutters at such intervals and in such positions as to reduce, so far as practicable, the spread of fire from one compartment to another; and
 - (b) the duct shall not be constructed of or lined with any material which substantially increases such a risk.

(7) If a protected shaft contains a stairway it shall not contain any pipe containing gas or oil or a ventilating duct.

28 (1) Every side of a building shall comply with the relevant requirements relating to the permitted limits of openings specified in Table 4 in the Second Schedule unless the building is so situated that the side may, in accordance with that Table, consist entirely of openings.

(2) No part of the side of a building shall be less than 3 feet (0.9 metre) from a boundary of the plot:

Provided that nothing in this paragraph shall prohibit a side of a building or part of a side being contiguous with the boundary if, in that side or part, there are no openings other than such openings as are permitted in clause 2 of Table 4 in the Second Schedule.

(3) Any reference in this regulation to a building or compartment in relation to an opening means -

- (a) where the building is not compartmented, the side of the building in which the opening is situated;
- (b) where the building is compartmented, the compartment which contains the side in which the opening is situated.

(4) Any reference in this regulation to an opening in a side of a building or compartment shall include a reference to any part of -

- (a) a roof which slopes at an angle of 70° or more to the horizontal;
- (b) any part of an external wall the period of fire resistance of which is less than the period required by regulation 25.

29 (1) The provisions of this regulation shall apply to any door which is required to have a period of fire resistance by the provisions of this Part :

Provided that where two separate doors (each being either a single leaf or a double leaf door) are installed in an opening it shall be sufficient if the required period of fire resistance is achieved by the two doors together or by either of them separately.

(2) In this regulation -

"a fire door Type 1" means a door which complies with the requirements of paragraph 1 of Table 5 in the Second Schedule;

"a fire door Type 2" means a door which complies with the requirements of paragraph 2 of Table 5 in the Second Schedule;

"a fire door Type 3" means a door which complies with the requirements of paragraph 3 of Table 5 in the Second Schedule.

(3) Any door in a wall separating a flat or maisonette from any space in common use giving access to that flat or maisonette shall be a fire door Type 3 not fitted with a self-locking lock.

- (4) Any door in an exit required by regulation 37 shall be a fire door Type 3.
- (5) Any door between a protected shaft and a hall, lobby or corridor which forms part of an exit shall be a fire door Type 2.
- (6) Any door in a compartment wall, other than a door referred to in subregulation (5), shall be a fire door Type 1 with a period of fire resistance not less than that of the wall in which it is fixed.
- (7) Every fire door shall be fitted with an approved automatic self-closing device sufficient to overcome the resistance of the latch.
- (8) An automatic self-closing device shall be deemed to satisfy subregulation (7) if -
- (a) in the case of a fire door Type 1, the device is controlled by a fusible link;
 - (b) in the case of a fire door Type 2 in the structure of a protected shaft, the device is not actuated by a fusible link.
- (9) Every fire door shall be fixed to its frame with suitable hinges.
- (10) A hinge shall be deemed to satisfy subregulation (9) if no part of that hinge is made of either -
- (a) combustible material; or
 - (b) a non-combustible material having a melting point less than 800°C.
- 30** (1) Every fire stop required by the provisions of this Part shall be so formed and positioned as to prevent or sufficiently retard the passage of flame.
- (2) Every fire stop shall -
- (a) if provided around a pipe or duct or in a cavity, be made of non-combustible material;
 - (b) if provided around a pipe or duct, be so constructed as not to restrict essential thermal movement.
- (3) A fire stop in a wall or floor constructed of combustible material shall be deemed to satisfy this regulation if it is constructed of timber not less than 1½ inches (38 millimetres) thick.
- (4) In any element of structure, any cavity which is continuous through the whole or part of such element shall be fire-stopped -
- (a) at any junction with another element of structure or with a ceiling under a roof; and
 - (b) in such a position that there is no continuous cavity which in any one plane exceeds 25 feet (7.5 metres) in a single dimension or 250 square feet (23 square metres) in area.

31 (1) In this regulation and in Table 6 in the Second Schedule -

"ceiling" includes any soffit and any rooflight, skylight or other part of a building which encloses and is exposed overhead within a room, circulation space or protected shaft, and any reference to the surface of a ceiling shall be construed as a reference to that surface excluding the surface of the frame of any rooflight or skylight; but any part of a ceiling which slopes at an angle of 70° or more to the horizontal and is not part of a rooflight or skylight shall be deemed to be a wall;

"circulation space" means any space which is solely used as a means of access between a protected shaft and either a room or an exit from the building or compartment,

and in relation to a requirement that a surface shall be of a Class not lower than a specified Class, Class O shall be regarded as the highest class followed in descending order by Class 1, Class 2, Class 3 and Class 4.

(2) For the purposes of this regulation and Table 6 in the Second Schedule, any reference to a surface being of a specific Class shall be construed as a requirement that any lining fitted to the surface of a wall or ceiling or, where there is no lining, the material of which the wall or ceiling is constructed shall comply with the following provisions, that is to say -

- (a) a reference to a surface being of Class O shall be construed as a requirement that -
 - (i) the material of which the wall or ceiling is constructed shall be non-combustible throughout; or
 - (ii) the surface material (or, if it is bonded throughout to a substrate, the surface material in conjunction with the substrate) shall, if tested in accordance with the BS 476 : Part 6 : 1968, have an index of performance (I) not exceeding 12 and a sub-index (il) not exceeding 6 :

Provided that the face of a plastics material having a softening point less than 120°C if tested by method 102C of BS 2782: 1970 shall not be regarded as a surface of Class O unless -

- (i) the material is bonded throughout to a substrate which is not a plastics material and the material in conjunction with the substrate satisfies the test criteria prescribed in subparagraph (ii) of paragraph (a) above; or
 - (ii) the material satisfies the test criteria prescribed in subparagraph (ii) of paragraph (a) above and is used as the lining of a wall so constructed that any surface which would be exposed if the lining were not present satisfies the said test criteria and is the face of a material other than a plastics material having a softening point less than 120°C;
- (b) where the surface is required to be of a Class other than Class O it shall comply with the test criteria as to the surface spread of flame prescribed in clause 7 of BS 476 : Part I : 1953.

(3) A reference in this regulation to the surface of a wall shall be construed as a reference to that surface excluding any door, door frame, window, window frame, fireplace surround, mantleshelf, fitted furniture or trim.

(4) The surface of any wall, ceiling or soffit of any room, circulation space or protected shaft shall be of a Class not lower than that specified in respect of that surface in Table 6 in the Second Schedule hereto:

Provided that nothing in this regulation or in Table 6 shall prohibit any part or parts of the surface of a wall or ceiling in a room being of a Class not lower than Class 3 if the total area of such parts does not exceed one half of the floor area of the room.

(5) The provisions of Table 9 in the Second Schedule hereto shall have effect as guidelines in relation to the application of this regulation.

32 (1) Every roof shall be so covered or so isolated from other buildings as to afford adequate protection against the spread of fire into the building or to adjoining buildings.

(2) A roof shall be deemed to satisfy this regulation if -

(a) the distance from the roof to any point on the boundary of the plot is at least 40 feet (12.0 metres) or twice the height of the building, whichever is the greater;

(b) the covering, after being tested in accordance with BS 476 : Part 3 : 1958 has a category designation of which the first letter is A and the second letter is A, B or C; or

(c) the covering complies as regards material and construction with one of the examples listed in Table 10 in the Second Schedule hereto.

33 The requirements of regulation 18(b) shall be deemed to be satisfied -

(a) in the case of buildings in class A(ii), being flats and maisonettes, by compliance with CP 3: Chapter IV : Part I: 1971;

(b) in the case of buildings in class C(i), being offices, by compliance with clauses 2.1.1 to 2.2.455 inclusive of CP 3 : Chapter IV: Part 3: 1968 (Office buildings);

(c) in the case of buildings in class C(ii), being shop premises, by compliance with clauses 2.1.1. to 2.2.6 inclusive of CP 3 : Chapter IV : Part 2: 1968 (Shops and Departmental Stores).

34 (1) In every building to which this Part applies, there shall be provided from each room and from each storey not less than the number of exits required to comply with regulations 36 and 37 and each such exit shall comply with the requirements of these Regulations:

Provided that -

(a) where the occupant capacity is such that more than one exit is required by regulation 36;

- (b) where the occupant capacity to be served by the exits does not exceed 40; and
- (c) where the room is on the ground floor of a building,

one of the required exits may be by means of a suitable window.

(2) A window on the ground floor shall be deemed to satisfy the proviso to subregulation (1) if -

- (a) it opens on to a place of safety in the open air or on to a verandah the other side of which is open to a place of safety;
- (b) it contains an unobstructed opening not less in size than 2 feet 9 inches (840 millimetres) measured vertically and 1 foot 9 inches (535 millimetres) measured horizontally; and
- (c) the lower level of the opening is not more than 2 feet 6 inches (760 millimetres) above the level of the floor of the room and not more than 3 feet (0.9 metre) above the level of such place of safety or verandah, as the case may be.

35 Any reference in this Part to the occupant capacity of a room or storey shall be construed as a reference to a number of persons which the room or storey is, for the purpose of this Part, to be taken as being capable of holding, and such occupant capacity shall be determined in accordance with the following provisions, that is to say -

- (a) in the case of any part of a storey comprising a flat, the occupant capacity shall be determined by the Authority whose decision shall be final;
- (b) in the case of a room or storey other than a flat comprising or forming part of a building described in Column 1 of Table 7 in the Second Schedule by dividing the area of the room or storey (as measured in square feet or square metres) by the relevant number in Column 2 of that Table;
- (c) in the case of any other room or storey, by determining the number of persons the room or storey is designed to hold.

36 (1) Where any room or storey is used at different times for different occupancies, the occupant capacity of such room or storey shall be calculated for the occupancy which gives the greatest capacity.

(2) Any storey or room not being a room in a flat shall have at least the number of exits shown in the following Table:

Occupant capacity of storey or room	Number of exits
1 - 60	1

61 - 600	2
601 - 1000	3

Provided that where the Chief Fire Officer is of the opinion that additional exits are required relating to the use of the premises he shall specify those requirements which shall take precedence over the standards given in the foregoing Table.

37 The exits from a storey shall be of such number and so situated that the travel distance from any point in the storey to a protected doorway does not exceed -

- (a) where there is only one exit, 40 feet (12 metres);
- (b) where there are more exits than one, 100 feet (30 metres):

Provided that where there are more exits than one the distance between exits shall not exceed 150 feet (45 metres).

38 (1) Every exit from a room or storey shall lead directly to a place of safety.

(2) Every exit from a room or storey shall be independent from any exit to which access may normally be obtained directly from that room or storey:

Provided that where the occupant capacity of a room (not being a whole storey) does not exceed 100, nothing in this subregulation shall prevent the exits from that room giving access to one common hall or passage from which escape to a protected doorway is possible in more than one direction.

(3) Where any part of an exit comprises a balcony, that balcony shall be guarded on each side by a wall or a secure balustrade or railing extending in either case to a height of not less than 4 feet (1.2 metres).

39 (1) Every exit from a room or storey shall be of at least the required width throughout its length.

(2) At no part of an exit shall the width be less -

- (a) than that required by the relevant provisions of this regulation and of regulation 40;
- (b) than the width required by regulation 40 for any other part of the exit which is further from the place of safety to which the exit leads.

(3) If any part of an exit comprises a stairway the width of the exit shall not be less than the width of the stairway.

(4) In no case shall the width of an exit from a room be less than 2 feet 6 inches (0.75 metres):

Provided that this subregulation shall not apply to a window which is accepted as a subsidiary exit under the proviso to subregulation (1) of regulation 34.

(5) Where two or more exits join, the width of the combined exit shall not be less than the required width for all the occupants concerned.

40 (1) Subject to this regulation, the width of each stairway in an exit from any floor or storey shall be calculated by reference to the appropriate occupant capacity thereof in accordance with Table 8 in the Second Schedule:

Provided that -

- (i) in the case of buildings in class A, the minimum width shall be 2 feet 10 inches (0.86 metre) and the stairway shall be constructed to comply with regulation 42;
- (ii) the appropriate occupant capacity of a storey in relation to a stairway in an exit shall, for the purpose of Table 8 in the Second Schedule hereto, be taken to be -
 - (a) where a stairway does not serve a storey next above that storey, the occupant capacity of that storey;
 - (b) where a stairway also serves the storey next above, the aggregate of the occupant capacity of the two storeys.
- (2) No part of a stairway in an exit from an upper storey shall be of less width than -
 - (a) the width of any higher part of the stairway other than a landing;
 - (b) at any level below an exit doorway which gives access to the stairway, the width of that exit doorway.
- (3) No part of a stairway in an exit from a basement storey shall be of a less width than -
 - (a) the width of any lower part of the stairway, other than a landing;
 - (b) at any point above the floor of a storey from which an exit doorway gives access to the stairway, the width of that exit doorway.
- (4) In measuring the width of a stairway no account shall be taken of any handrail which reduces the required width by not more than 3½ inches (90 millimetres).
- (5) For the purposes of this regulation "stairway", in relation to any storey, means -
 - (a) where the stairway serves only that storey, the whole stairway;
 - (b) where the stairway serves other storeys, that part of the stairway which serves the storey.

41 (1) This regulation shall, save as otherwise provided herein, apply to every stairway forming part of an exit other than -

- (a) a stairway wholly within a maisonette;
- (b) a stairway leading only to an open work floor or to a gallery or to a catwalk within a room or storey of a building where the occupant capacity of the

room or rooms served by the stairway does not exceed 25 and the stairway complies with regulations 36 and 37.

- (2) Every stairway forming part of an exit shall be within a stairway enclosure.
- (3) Every stairway enclosure shall be enclosed by any combination of the following:
 - (a) compartment walls;
 - (b) external walls;
 - (c) compartment floors;
 - (d) the lowest floor of the building;
 - (e) the roof of the building;

Provided that nothing in these Regulations shall prohibit the inclusion in a stairway enclosure of -

- (i) sanitary accommodation or a washroom or both;
- (ii) floor space giving access to the stairway if such floor space is intended for use solely as a means of passage:

Provided further that nothing in these Regulations shall prohibit the inclusion in a stairway enclosure in a building (being a building served by two or more stairways forming parts of exits) of a ticket office or porter's lodge ancillary to the use of that building and intended solely for the control or supervision of persons entering or leaving the building.

(4) Every stairway enclosure shall give access at ground level to an exit to the open air, which exit shall be separate from any other exit to which access is given from any other stairway.

(5) Where any storey is required by this Part to have more than one exit, the stairway enclosures of any stairway provided from that storey shall be so constructed and situated that access may be obtained from any point on that storey to at least two stairway enclosures without passing through any other stairway enclosure.

(6) Nothing in this regulation shall apply to any stairway between a doorway from the building and the adjoining ground where that stairway comprises not more than eight risers.

42 Every stairway shall comply with the following requirements, that is to say -

- (a) The stairway shall have a clear headroom of at least 6 feet 6 inches (2.0 metres) measured vertically above the pitch line, and at least 5 feet 0 inches (1.50 metres) clearance measured at right angles to that line.
- (b) The stairway shall have a pitch not exceeding 42° if the building is in class A or 38° if in any other class, and shall in each flight have a uniform rise and going.

- (c) The dimensions of each step shall be such that the aggregate of the going and twice the rise is not less than 22 inches (560 millimetres) nor more than 25 inches (610 millimetres).
- (d) Each tread shall be at least 83/4 inches (216 millimetres) wide; the nosing shall project beyond the base of the riser below it by at least 5/8 inch (16 millimetres).
- (e) The stairway shall be constructed in straight flights, each of which shall consist of not fewer than 3 risers nor more than 15:

Provided that nothing in paragraph (c) or (d) of this regulation shall prohibit the stairway being constructed in curved flights if the dimensions of each step comply with these paragraphs at the points 10½ inches (270 millimetres) in from each end of the treat.

- (f) At each end of each flight there shall be provided a terminal landing not less in length (measured horizontally in the direction of travel on the centre line of the exit) than 3 feet 6 inches (1.07 metres) or the width of the stairway, whichever is the greater.
- (g) A stairway shall be guarded on each side by a wall or securely fixed screen, balustrade or railing extending, in each case, to a height of not less than 3 feet 6 inches (1.07 metres) above the pitch line. In a building in class A(i), class A(ii) or class A(iv) no opening in any such screen, balustrade or railing shall be of such a size as would permit the passage through it of a sphere 3½ inches (90 milli- metres) in diameter.
- (h) There shall be provided, where the width of the stairway does not exceed 3 feet 6 inches (1.07 metres) a handrail on one side of the stairway; in all other cases there shall be a handrail on each side of the stairway.
- (i) No stairway shall exceed 6 feet (1.80 metres) in width unless it is divided by a central handrail or handrails into separate sections, each of which is of a width not less than 3 feet 6 inches (1.07 metres) nor more than 6 feet (1.38 metres).
- (j) Any handrail provided to a stairway shall be -
 - (i) securely fixed;
 - (ii) continuous throughout each flight;
 - (iii) at a height of not less than 2 feet 9 inches (0.84 metre) nor more than 3 feet 3 inches (1.0 metre) measured vertically above the pitch line.
- (k) Every landing or balcony to a stairway shall comply with paragraph (f) of this regulation.
- (l) The aperture in any floor to which a stairway rises shall, except where used for access to the stairway, be guarded on all sides by a wall or securely fixed screen, balustrade or railing which complies with paragraph (g) of this regulation.
- (m) Where a door swings over a stairway, the full arc of its swing shall be over a landing at the top of the stairway.

- (n) Any part of a stairway -
 - (i) intended for common use within any building constructed for occupation as separate dwellings by more than one family;
 - (ii) above the ground storey; and
 - (iii) not open to the external air,

shall have adequate means of ventilation.

43 (1) Any ramp forming part of an exit shall be constructed with an unbroken gradient having a uniform slope not greater than 1 in 10.

(2) The ramp and any landing thereto shall be guarded on each side by safety measures which comply with paragraph (g) of regulation 42.

(3) Between any two successive flights of the ramp there shall be a landing not less in length (in the direction of travel and measured on the centre line of the ramp) than -

- (a) in the case of buildings in class B, 7 feet (2.10 metres);
- (b) in other groups, 4 feet (1.20 metres).

44 (1) Every door across an exit from a room or storey not being an entrance door to a flat or to a room or space of occupant capacity less than 10 -

- (a) shall open in the direction of travel to the open air; and
- (b) if constructed to open in either direction, shall have a transparent upper panel; and
- (c) if opening outwards into a passage, shall be so arranged as not to obstruct the passage when fully opened.

(2) In the case of revolving doors and sliding doors, the following provisions shall apply, that is to say -

- (a) revolving doors shall not be provided across exits;
- (b) sliding doors may be used across an exit, other than an exit in a building in class B, where the door is clearly marked on both sides with the words SLIDE TO OPEN and an arrow indicating the direction of sliding.

(3) Doors in exits shall be capable of being easily opened from the side from which escape is required and, if it is necessary to secure the door against entry from outside the building, shall be capable of being readily opened from the inside although so secured. In the case of buildings in class D, the means of securing such doors shall be by bolts which will open to pressure from the inside.

(4) The construction of fire doors shall comply with regulation 29 and Table 5 in the Second Schedule.

45 Every balcony, platform, roof or other external area to which any person habitually has access from a building for any purpose other than maintenance or repair and which is above the uppermost level of the ground storey of the building, shall have a balustrade, parapet or railing not less than 3 feet 6 inches (1.07 metres) in height and shall be of such extent, construction and material as to afford reasonable safety to any person using such balcony, platform, roof or other external area :

Provided that in the case of any wall, secure balustrade or railing required to be provided in accordance with regulation 38(3), the height shall be not less than 4 feet (1.2 metres).

PART F - HEAT-PRODUCING APPLIANCES

46 (1) All heat-producing appliances, together with their necessary accessories, shall be so constructed and installed as to prevent the ignition of any combustible material that may be placed against the surface of any wall, or other part of the building enclosed or adjacent to the appliance.

(2) The requirements of this regulation shall be deemed to be satisfied where heat-producing appliances together with their necessary accessories are constructed and installed in accordance with Parts L and M of the Building Regulations 1972 of the United Kingdom.

PART G - ACCOMMODATION

47 Every building shall be provided with adequate accommodation for the purpose for which it is intended.

48 (1) Sanitary accommodation and fixtures therein shall be provided in any building in accordance with the following provisions, that is to say -

- (a) for any residence or apartment the minimum provision shall be 1 water closet or other means of disposal of excreted matter approved in writing by the Chief Medical Officer, 1 lavatory basin, and 1 bath or shower and 1 sink or tub;
- (b) for any building where the use and occupancy involves the employment of staff, facilities shall be provided for employees in accordance with Part I of Table 11 in the Second Schedule hereto except that where the total number of employees is less than 10 the minimum provision shall be for 1 W.C. and 1 lavatory basin serving both sexes, and except that where facilities are accessible only through private offices they shall be additional to the required minimum provision;
- (c) where facilities for the public are required they shall be additional to and separate from facilities required for employees and shall be provided and maintained in clean condition in accordance with Part 2 of Table 11 in the Second Schedule hereto;
- (d) where separate facilities are required for use by employees and for public use, the total number of persons to be provided for shall be calculated proportionately on the most realistic basis possible;

- (e) the number of the public to be provided for by drive-in restaurants or similar establishments shall be calculated on the basis of 3 persons for each parking bay;
- (f) no sanitary accommodation shall open directly into -
 - (i) a habitable room, unless the room is used solely for sleeping or dressing purposes;
 - (ii) a room used for kitchen or scullery purposes; or
 - (iii) a room in which any person is habitually employed in any manufacture, trade or business,

except through the open air or an intervening space which shall in every case other than a house be ventilated direct to the external air and with every door leading to that space fitted with an approved self-closing device;

- (g) any sanitary accommodation which can be entered directly from a room used for sleeping or dressing purposes shall be so constructed that it can also be entered without passing through any such room,, but this paragraph shall not apply if -
 - (i) in the case of a house, there is other such sanitary accommodation either within or outside such house which is used exclusively with such house and which can be entered without passing through any such room; or
 - (ii) in any other case, there is within the building other such sanitary accommodation which is available for common use.

(2) In paragraphs (f) and (g) of subregulation (1), "sanitary accommodation" means a room or space containing water-closet fittings, acqua privy, pit latrine, bucket latrine, urinal or chemical closet.

49 The minimum areas and widths of habitable rooms and kitchens shall be determined in accordance with Part 3 of Table 11 in the Second Schedule and shall comply with the following standards, that is to say -

- (a) the area given in that Part shall be measured between the structural faces of walls exclusive of cupboards or of recesses less than 2 feet (609.6 millimetres) deep suitable for use as cupboards;
- (b) no habitable room or kitchen used for two or more purposes shall be divided by any wall, partition, screen or fitting into areas less than the minimum areas permitted for such uses unless such division is not more than 4 feet (1.22 metres) high or not more than the equivalent elevational area in square feet (metres) of a division 4 feet (1.22 metres) high on the same line;
- (c) any open kitchen recess shall have a minimum floor area of 30 square feet (2.79 metres) and a depth not more than the width of the open side or less than 4 feet (1.22 metres);

- (d) every building or apartment of residential use and occupancy shall provide living, dining and sleeping accommodation, suitable cooking and sanitary facilities and a storeroom or storage facilities;
- (e) in any building or apartment of residential use and occupancy providing only one habitable room, the area of such a room shall not be less than 200 square feet (18.58 square metres) and a separate kitchen shall be provided;
- (f) where any building of residential use and occupancy is used or intended to be used for the letting or renting of individual rooms with common cooking or sanitary facilities, the area of any such room shall not be less than 100 square feet (9.29 square metres).

PART H - PROTECTION AGAINST HARMFUL AND OFFENSIVE MATTERS AND FLOODING

50 Any plot on which it is intended to erect a building shall be free from harmful or offensive matter and shall be in such condition as to prevent any harmful effects occurring either to the building or to any of its occupants as a result of water lying on the surface of the ground or of flood water passing over the surface.

51 The erection of any building or works on a plot shall not have any adverse effect on the drainage of surface water or flood water from neighbouring plots or from any public road, nor shall the erection of the building or works on the plot have any adverse effect on neighbouring plots or any public road as a result of drainage from the building or plot.

52 Where the Chief Planning Officer so directs in writing, the levels of the ground floor and any floors below the ground floor of any building specified by him shall be adjusted to protect a new building against ground water, surface water or flood water.

PART I - WATER SUPPLY

53 Every building used or intended to be used for human habitation or the habitual employment of persons shall be provided with a sufficient supply of water for human consumption and with a sufficient supply for other essential purposes, according to the intended use of the building.

54 Every building used or intended to be used for the habitual employment of persons shall be equipped in such manner as may be necessary to provide a sufficient supply of potable water for human consumption.

55 Every building connected to the Government main water supply which is used or intended to be used for human habitation or the habitual employment of persons therein shall be provided with such facilities as may be required by the Authority for the storage of water sufficient to provide 24 hours' supply for human consumption and other essential purposes, according to the intended use of the building.

PART J - VENTILATION, OPEN SPACE AND HEIGHT OF ROOMS

56 (1) Every building and its several compartments shall be adequately ventilated, having regard to the use for which the building and the individual compartments of the building are intended.

(2) Except where artificial means of ventilation are, or are intended to be, provided to the satisfaction of the Authority, the ventilation of buildings shall comply with the following standards, that is to say -

(a) every habitable room and kitchen and every room in which any person is habitually employed in any manufacture, trade or business shall be ventilated directly to the external air by a ventilation opening or openings of total area not less than -

(i) one-sixth of the floor area of the room where the ventilation is in one wall only; or

(ii) one-eighth of the floor area of the room where there is ventilation in two or more walls, and in this case at least one quarter of the minimum area for ventilation shall be in each of two walls,

and some part of such area shall not be less than 6 feet (1.83 metres) above the floor;

(b) every storage room which is used for storing food other than food in unopened sealed containers shall have ventilation directly to the external air. Such ventilation shall consist of openings at high and low level, each of not less than 26 square inches (16774 square millimetres) in area, with the top of the upper opening being not more than 6 inches (152.4 millimetres) below the ceiling and the bottom of the lower opening being not more than 12 inches (304.8 millimetres) above the floor level. All such openings shall be covered with fly-proof screens and be rodent-proof;

(c) every room containing watercloset fittings, urinal fittings, an acqua privy, pit latrine, bucket latrine or chemical closet shall have either -

(i) a window, skylight or other similar means of ventilation which opens directly into the external air and of which the area capable of being opened is not less than one sixth of the floor area or 3 square feet (0.279 square metres), whichever is the greater; or

(ii) mechanical means of ventilation which effects not less than three changes of air per hour and discharges directly into the external air;

(d) the attic space between ceiling joists and roof rafters shall be effectively ventilated and openings shall be located to provide effective cross-ventilation and such openings shall be covered with a corrosion-resistant mesh.

57 An adequate amount of open space shall be provided at the front and back of every building and on any other side which includes a door, window or other opening for the purpose of ventilation and for the siting of such drainage arrangements as required by Part L of these Regulations.

58 The average height of every habitable room shall be not less than 8 feet (2.44 metres) and such average height shall be determined by dividing the cubic content of the room by its floor area; but in no case shall the height of a habitable room be less than 6 feet 9 inches (2.06 metres).

PART K - LIGHTING

59 (1) Except as provided in subregulation (2), every building and its several compartments shall be provided with adequate means of lighting by natural light.

(2) Where the Authority is satisfied that the use for which a particular building or compartment in a building is intended will render the provision of natural lighting either unnecessary or undesirable and that adequate lighting by artificial means will be provided at all relevant times, the Authority may waive the requirements of this regulation.

60 In the case of natural lighting of habitable rooms and kitchens and rooms in which any person is habitually employed in any manufacture, trade or business, the total area available for the entry of natural light shall be at least one-eighth of the floor area of the room, so however that where the entry of natural light is through a covered balcony or verandah -

- (a) the area available for the entry of natural light from the open air to the balcony or verandah shall be not less than one-eighth of the combined floor areas of the room and the balcony or verandah added together; and
- (b) the area available for the entry of natural light from the balcony or verandah to the room shall be not less than one-eighth of the combined floor areas of the room and balcony or verandah added together.

PART L - REMOVAL AND DISPOSAL OF WASTE

61 Every building shall be provided with means for the removal from inside the building and from its immediate neighbourhood and, where necessary, for the disposal of all waste products, including smoke and noxious fumes from any heat-producing or other appliances, domestic or other refuse, excreted matter, waste water and rain water in such a way as not to offer a menace to health or to cause any nuisance or to cause damage to any building or lands.

62 (1) Every private sewer shall be connected to a suitable means of disposal which may include a public sewer, sewage treatment plant, septic tank or aqua privy.

- (2) Where access to a public sewer is not reasonably practicable -
- (a) soil water shall pass directly to an aqua privy or be conveyed by a sewer to a septic tank or to a sewage treatment plant;
 - (b) effluent from any aqua privy or septic tank shall be conveyed by a sewer to a soakaway; and
 - (c) waste water shall be conveyed to an aqua privy, soakaway or sewage treatment plant:

Provided that where waste water is conveyed to an aqua privy it shall be so conveyed -

- (i) by an open gutter or sloping floor leading to the pan of the aqua privy; or
- (ii) direct to the tank through a gully with a trap and a pipe not less than 1½ inches (38.10 millimetres) internal diameter.

- (3) No sewer shall be connected to a public drain.
- (4) No person shall, without the prior written consent of the Authority given expressly in that behalf, erect or cause to be erected a building over a public sewer.
- (5) All arrangements for the disposal of any trade effluent shall be to the satisfaction of the Authority.

63 (1) Every sewer and every drain shall be constructed of durable materials.

(2) Every sewer and every drain other than a subsoil drain shall be-

- (a) not less than 3 inches (76.20 millimetres) in internal diameter and in any case not less than that of any pipe or outlet from an appliance conveying foul water to it;
- (b) laid in a straight line between points where changes in direction or gradient are necessary;
- (c) laid at a gradient sufficient to prevent the accumulation of solid matter in the drain;
- (d) laid and jointed in such a way that the drain is capable of passing an appropriate test for water-tightness as specified in the Fourth Schedule hereto both before any concreting or trench refilling is commenced and again after the refilling is complete.

(3) Where any sewer or drain is laid under a building it shall be laid in a straight line or, if this is impracticable, in a series of straight lines and be provided with adequate means of access for inspection and rodding of its whole length. Such means of access shall be provided with a bolted air-tight cover if within the building.

64 (1) Where a pipe carrying water joins another pipe carrying water it shall do so obliquely in the direction of flow in that other pipe.

(2) Where the Authority so requires, a manhole shall be provided at any junction between any two pipes.

65 (1) A manhole shall be provided at each point where there is a change in direction or gradient in any sewer or drain other than a subsoil drain.

(2) No part of a sewer or drain other than a subsoil drain shall be further from a manhole than 100 feet (30.48 metres) measured along the pipe.

(3) Every manhole shall be -

- (a) of such a size and form as to permit ready access to the pipe for inspection and cleaning purposes;
- (b) of sufficient strength and watertight;
- (c) fitted, where the depth so requires, with step-irons or a ladder;

- (d) fitted with a non-ventilating cover; and
- (e) completed with suitable channels and sloping benchings.

66 (1) Every sewer or section of a sewer more than 20 feet (6.10 metres) in length shall be ventilated as near as is practicable to its highest part.

- (2) No sewer shall be connected to the open air except through an approved vent.

67 (1) Every trap to a sewer shall be provided with adequate means of ventilation.

(2) Every system of pipes shall be so made as to prevent, under working conditions, the desruption of the water seal in any trap.

(3) Precautions shall be taken wherever necessary to prevent the entry of surface water, flood water or tidal water into any sewer.

(4) No open gulley shall be fixed inside a building except a gulley fixed in the floor of an ablution room on the ground floor and which collects no waste water from any other room.

(5) Nothing in these Regulations shall prevent the use of single-stack drainage which conforms in all respects with the recommendations of CP 304 : 1968.

68 (1) The following provisions shall apply in the case of every pipe above ground conveying soil water and every ventilating pipe thereto, that is to say -

- (a) every such pipe shall be constructed of durable materials with suitable joints;
- (b) every such pipe shall be capable of withstanding an appropriate test for watertightness as specified in the Fourth Schedule hereto;
- (c) where the pipe passes through the wall, it shall not have any joint within the thickness of the wall;
- (d) every such pipe shall have an internal diameter of at least 3 inches (76.20 millimetres) and in any case not less than that of any pipe or outlet from an appliance conveying foul water to it;
- (e) every such pipe shall be suitably supported and attached to the building so as to permit thermal movement; and
- (f) every such pipe shall be so placed as to be reasonably accessible for maintenance and provided with such means of access as are necessary for internal cleansing to take place.

(2) Every ventilating pipe conveying foul water shall -

- (a) be carried upward to such a height and so placed that no foul air can escape into the building;

- (b) be fitted at the open end with a wire or plastic cage and mosquito gauze; and
- (c) be of not less than 3 inches (76.20 millimetres) internal diameter.

69 Every pipe above ground conveying waste water shall -

- (a) comply with paragraphs (a), (b), (c), (e) and (f) of subregulation (1) of regulation 68;
- (b) have an internal diameter of at least 1¼ inches (31.75 millimetres);
- (c) include close to the waste appliance a readily accessible trap with means of access for internal cleansing and having a water seal of at least 2 inches (50.80 millimetres); and
- (d) discharge -
 - (i) into a ventilating pipe to a sewer; or
 - (ii) where the waste appliance is situated in any part of a building where the floor is at or about the level of the adjoining ground, into the open air and be separated from the sewer by a trapped gulley fitted with a suitable grating so that it discharges into the gulley above the level of the water in the gulley and in such a way as not to cause dampness in a wall or foundation of any building.

70 (1) Septic tanks shall be constructed in accordance with drawings prepared or supplied by the Authority or other designs approved by the Authority.

(2) Every septic tank shall be sited in a position approved in writing prior to its construction by the Chief Medical Officer and in such manner -

- (a) as not to create a risk of pollution in relation to any spring, stream, well, adit, or other source of water which is used, or is likely to be used, for drinking, domestic or kitchen or scullery purposes;
- (b) that there is ready means of access for cleansing it and removing its contents without carrying them through any building in which any person resides or is employed in any manufacture, trade or business or to which the public has access; and
- (c) as not to be in such proximity to any building in which any person resides or is employed in any manufacture, trade or business or to which the public has access, as to be liable to become a source of nuisance or a danger to health.

71 (1) Adequate means shall be provided for the collection and disposal of any rainwater falling on a building so as to prevent any dampness in or damage to any building.

(2) Rainwater shall -

- (a) be collected on roofs and conveyed to storage tanks or discharged over gullies connected to drains which lead to public drains or to soak- aways; or
- (b) if allowed to fall from the roof, be made to fall on to an open drain or a filled drain leading to a soakaway or to a public open drain, or where permitted, to a sewer.

(3) Rainwater shall not be discharged on to a public footway.

72 (1) Every enclosed roof, parapet gutter and valley gutter shall be provided with adequate outlets.

(2) Every gutter and channel provided for collecting or conveying rainwater from roofs, canopies or balconies shall -

- (a) be made of durable materials with suitable water-tight joints;
- (b) be of adequate size;
- (c) be securely attached to the building;
- (d) be fixed to a gradient of at least 1 in 50; and
- (e) be provided with adequate outlets.

73 (1) Every rainwater pipe shall -

- (a) be made of durable materials with suitable joints;
- (b) be of adequate size;
- (c) be suitably supported and securely attached to the building so as to permit thermal movement; and
- (d) discharge -
 - (i) over a lower roof;
 - (ii) over an open drain;
 - (iii) over a gulley leading to a drain;
 - (iv) to a drain where this is permitted by the Authority; or
 - (v) to a rainwater storage tank.

(2) No rainwater pipe shall be used for soil water or waste water or as a ventilating pipe.

(3) No rainwater pipe shall be used to discharge on to a public footway.

(4) Any rainwater pipe situated within a building shall, in addition to conforming with the foregoing requirements of this regulation -

- (a) be capable of withstanding an appropriate test for watertightness as specified in the Fourth Schedule hereto;
- (b) where the pipe passes through a wall or floor, be placed in position without any joint within the thickness of that wall or floor;
- (c) be so placed as to be reasonably accessible for maintenance and be provided with such means of access as are necessary for internal cleansing.

74 (1) Every rainwater storage tank shall -

- (a) be made of durable materials and watertight;
- (b) be of a capacity approved by the Authority;
- (c) be provided with an overflow pipe the end of which is covered with mosquito gauze and discharges over an open drain or a gully to a drain; and
- (d) be covered and provided with means of access for internal cleansing.

(2) Any draw-off tap or the end of any suction pipe on a rainwater storage tank shall be not less than 3 inches (76.20 millimetres) above the bottom of the tank.

(3) Pipes conveying rainwater to a rainwater storage tank the top of which is above ground shall discharge in the open air over an inlet which is covered with mosquito gauze.

(4) All pipes connected to a rainwater storage tank which is wholly below ground level shall be of metal and the joint between any pipe and the tank shall be watertight.

75 (1) Every soakaway shall be sited in a position approved in writing prior to its construction by the Chief Medical Officer and in such manner -

- (a) as not to create a risk of pollution in relation to any spring, stream, well, adit or other source of water which is used, or is likely to be used, for drinking, domestic or kitchen or scullery purposes; and
- (b) as not to be in such proximity to any building in which any person resides or is employed in any manufacture, trade or business or to which the public has access, as to be liable to become a source of nuisance or a danger to health.

(2) Every soakaway shall be of adequate dimensions having regard to the nature of the subsoil and the amount of effluent which is to be discharged therein.

PART M - RESISTANCE TO THE TRANSMISSION OF SOUND

76 Any building or part of a building in which artificially amplified sound is produced by electronic or other means or which is intended for use for or in connection with the production therein of artificially amplified sound by electronic or other means shall be so constructed that the airborne transmission of such sound from such building, or, as the case may be, from such part of a building, to the surrounding area is resisted.

PART N - DANGEROUS BUILDINGS

77 (1) Where the Chief Planning Officer is of the opinion that any building is a dangerous building he may cause a notice to be served on the owner, if known, and on the occupier, if any, requiring such owner and occupier, if any, to take such action in relation to the dangerous building as may be specified in the notice.

(2) When the action required in a notice under subregulation (1) includes immediate action for the protection of the public and the owner or occupier fails to take such action immediately, the Chief Planning Officer shall forthwith take all reasonable precautions for the protection of the public by means of fencing or otherwise, and the cost of such work shall be payable by the owner and shall be recoverable at the suit of the Chief Planning Officer as an ordinary civil debt.

(3) Where any owner or occupier on whom a notice is served under this regulation fails within fourteen days of the service of the notice to comply with the terms of the notice, and in any case where the owner or occupier of a dangerous building cannot be found, the Chief Planning Officer may cause such repairs to be carried out in relation to the building as he may consider necessary to render the building safe, and the cost of such work shall be payable by the owner and shall be recoverable at the suit of the Chief Planning Officer as an ordinary civil debt.

78 Where the Chief Planning Officer is satisfied that, due to a structural defect or other like cause, the condition of any dangerous building is such that it cannot be repaired and will continue to be a danger to the public, the Chief Planning Officer may direct in any notice served under regulation 77 that the building shall be demolished within such period as may be so specified.

79 (1) Where the Chief Planning Officer is of the opinion that any building is or is liable to become dangerous he may apply to the Magistrate's Court for an order (herein referred to as a "closure order") directing that such building be closed.

(2) The Chief Planning Officer shall serve seven days' notice of his intention to apply for a closure order to the owner, if known, and to the occupier, if any, of the building to which the application relates:

Provided that in case of emergency the Chief Planning Officer may give such notice for the purposes of this regulation as may be practicable or possible in the circumstances of the case.

(3) Where the Court is satisfied upon application under this regulation that any building is or is liable to become dangerous and that notice has been served upon the owner or occupier as required by subregulation (2), the Court may make a closure order directing-

- (a) that the building specified in the order shall be closed at such time and on such date as may be so specified and shall remain closed for as long as the order continues in force;
- (b) that the closure of the building specified in the order shall be carried out under the supervision of a police officer in such manner as may be so specified;

- (c) that the closure order shall continue in force until the Chief Planning Officer certifies in writing that the building specified in the order has ceased to be dangerous.

80 No person shall occupy any building while a closure order is in force in respect thereof.

81 (1) Where the Chief Fire Officer is satisfied that any building does not comply with the requirements of Part E or Part F of these Regulations and constitutes a grave danger to the public or to persons occupying the building he may deliver to the Chief Planning Officer a written certificate to that effect.

(2) The Chief Planning Officer shall as soon as possible after receiving such certificate from the Chief Fire Officer, cause a notice to be served on the owner of the building, if known, and the occupier, if any, requiring such owner and occupier to take such action as may be specified in the notice to make the building comply with Part E or Part F of these Regulations within such period as may be so specified.

(3) Where any owner or occupier on whom a notice is served under this regulation in respect of any building fails to comply with the terms of the notice within the period specified therein, the Chief Planning Officer may, without prejudice to any other proceedings, apply to the Magistrates' Court under regulation 79 for a closure order in respect of that building.

PART O - SWIMMING POOLS

82 Every swimming pool shall, for the purpose of reducing danger to persons using or passing by the same -

- (a) be designed and constructed so as to withstand the pressures and forces imposed on it without overstressing the material of construction and without instability in accordance with CP 2007 : 1960 so far as applicable;
- (b) be provided with such equipment as permanently and adequately to light the pool during the hours of darkness;
- (c) be provided with sufficient equipment for the preservation of the health and safety of persons using the pool including safety equipment and indications of depths of water located in the immediate vicinity of the pool having regard to its size, depths and location; and
- (d) when filled and in use, be provided with a safe and suitable supply of water.

83 Every swimming pool shall be equipped with adequate drainage to enable cleansing and maintenance to take place in such manner that the discharge of the contents does not adversely affect neighbouring plots or any adjoining road.

FIRST SCHEDULE

(Regulation 3)

APPLICATIONS FOR APPROVAL TO ALTER, ERECT, EXTEND OR INSTAL FITTINGS
OR FOR APPROVAL TO CHANGE THE USE IN CONNECTION WITH A BUILDING

Every application for approval to construct a building or change the use of a building shall give particulars of the intended use of the building, the purpose for which (if it is an existing building) it is currently used and the source of water supply.

Such application shall in all cases be accompanied by drawings executed or reproduced in a clear and intelligible manner on suitable and durable materials which shall include, so far as necessary to show whether the building complies with the relevant requirements of these Regulations, the following:-

1. On all drawings:
 - (a) date prepared;
 - (b) scales used;
 - (c) names and addresses of Architects/ Engineers/ Draughtsmen responsible for preparation of the drawing and of the person for whom those drawings have been prepared; and
 - (d) orientation (North Point).

2. A block plan to a scale of not less than 1 to 500 (except for large plots in which case 1 to 2500 will be accepted) which shall show:
 - (a) location and plot reference with beacon numbers where land has been surveyed under the Land Survey Act (Cap. 109);
 - (b) roads and adjoining plots with owners names and plot reference numbers;
 - (c) power lines, telephone lines, buried services and watercourses;
 - (d) dimensions and boundaries of plot and acreage if more than 1 acre;
 - (e) indication by contours, spot levels, description or sections of topography;
 - (f) road access;
 - (g) position of main building and ancillary buildings, septic tank or sewage treatment plant, cisterns and swimming pools, surface water and foul water drainage as well as any sewers to which drainage will discharge with details of sizes, depths, inclinations and the means of access to be provided for the inspection and cleansing of the drainage system;
 - (h) paved areas, trees and natural obstructions lying above ground such as boulders and glacis;
 - (i) neighbouring buildings with their septic tanks or sewage treatment plants, surface water and foul water drainage; and
 - (j) where the building plot will adjoin or abut on any road, the distance of the nearest part of the building to the centre line of that road.

3. A key plan to a scale of not less than 1 to 10,000 showing the position of the plot where it is not sufficiently identifiable from the block plan.

4. Building drawings to a scale of not less than 1 to 100 or, if the building is so extensive as to render a smaller scale necessary, not less than 1 to 200 which shall show:

- (a) plans of the foundations, every floor and roof;
- (b) sections of every storey through the building showing the foundations, each floor, walls, windows, roof, the position of the damp-proof courses and any other barriers to moisture;
- (c) dimensions of each room;
- (d) planned use of each room in the building;
- (e) fixed equipment including that within sanitary accommodation and the waste appliances, also heat-producing appliances;
- (f) sizes of ventilators, windows and doors;
- (g) materials of construction and anti-termite precautions to be taken;
- (h) dimensions of walls and floors;
- (i) floor levels and ground levels in relation to one another;
- (j) roof details;
- (k) foundation details;
- (l) cistern dimensions and construction;
- (m) all steps, stairways, landings, handrails, ramps and balconies;
- (n) position of soil, waste, sewer, rainwater and ventilation pipes;
- (o) elevations on to main road and such other elevations as are necessary to appearance and when required elevations of neighbouring buildings;
- (p) finishes to walls, ceilings and soffits;
- (q) details of septic tank or sewage treatment plant and soakage pits on area and the means of disposal of any trade effluent giving details of its composition;
- *(r) location and type of fire-fighting equipment and fire exit signs;
- (s) the provision made in the structure for protection against fire;
- (t) the provision made in the building or part for means of escape in case of fire and for securing that such means can be safely and effectively used at all material times; and

*(u) the provision made in the structure for insulation against the transmission of airborne sound.

5. Detail drawings to show:

- (a) plumbing details with arrangements for mains and for cistern supply; and
- (b) structural details together with calculations to substantiate adequacy of foundations, suspended floors, roofs and other structural items together with a written undertaking from the engineer who prepared them that he will:
 - (i) take the responsibility of ensuring that all design requirements are implemented during construction; and
 - (ii) upon completion of that structural work send to the Authority a signed certificate to that effect.

Provided that where the Chief Planning Officer is of the opinion that such a written undertaking and subsequent issue of a certificate cannot be reasonably provided by the engineer who prepared the structural details and calculations, he may accept that undertaking from some other similarly qualified person.

*If the Chief Planning Officer so directs, these details need not be submitted.

SECOND SCHEDULE

TABLE 1

(Regulation 25)

DIMENSIONS AND PERIODS OF FIRE RESISTANCE

In this Table -

"cubic capacity" means the cubic capacity of the building or, if the building is divided into compartments, the compartment of which the element of structure forms part; and

"floor area" means the floor area of each storey in the building, or if the building is divided into compartments, of each storey in the compartment of which the element of structure forms part.

PART I - BUILDINGS HAVING MORE THAN ONE STOREY OTHER THAN A BASEMENT STOREY

Imperial Measure

Class of building	Dimensions specifying maximum limits			Minimum period of fire resistance in hours	
	Height	Floor are	Cubic Capacity	Elements	Elements

	(in feet)	(in sq ft)	(in cu ft)	above ground	below ground
A(i)	30	5,000	no limit	½	1
A(ii)	60	2,500	no limit	1	½
A(iii)	30	10,000	100,000	½	1
A(iv)	60	15,000	200,000	1	½
B(i)	60	15,000	200,000	1	½
B(ii)					
C	30	5,000	no limit	½	1
	60	no limit	125,000	1	½
D	30	5,000	no limit	½	1
	60	no limit	125,000	1	½
E(i)	30	no limit	60,000	½	1
E(ii)	60	no limit	150,000	1	½
F(i)	30	30,000	no limit	½	1
F(ii)	60	no limit	60,000	1	½

Metric Measure

Class of building	Dimensions specifying maximum limits			Minimum period of fire resistance in hours	
	Height (in feet)	Floor area (in sq ft)	Cubic Capacity (in cu ft)	Elements above ground	Elements below ground
A(i)	9.0	465	no limit	½	1
A(ii)	18.0	230	no limit	1	½
A(iii)	9.0	900	2,830	½	1
A(iv)	18.0	1,390	5,660	1	½
B(i)	18.0	1,390	5,660	1	1½
B(ii)					
C	9.0	465	no limit	½	1
	18.0	no limit	3,540	1	½
D	9.0	465	no limit	½	1
	18.0	no limit	3,540	1	½

E(i)	9.0	no limit	1,700	½	1
E(ii)	18.0	no limit	4,250	1	½
F(i)	9.0	280	no limit	½	1
F(ii)	18.0	no limit	1,700	1	½

PART II - BUILDINGS HAVING MORE THAN ONE STOREY OTHER THAN A BASEMENT STOREY

Imperial Measure

Class of building	Dimensions specifying maximum limits		Minimum period of fire resistance in hours	
	Floor area (in sq ft)	Cubic Capacity (in cu ft)	Elements above ground	Elements below ground
A(i)	30,000	no limit	½	1
A(iii) A(iv) B(i) B(ii)	30,000	no limit	½	1
C	20,000 40,000	no limit no limit	½ 1	1 ½
D	30,000 no limit	no limit no limit	½ 1	1 1½
E(i) E(ii)	20,000 30,000	no limit no limit	½ 1	1 1½
F(i) F(ii)	5,000 10,000	no limit no limit	½ 1	1 1½

Metric Measure

	Dimensions specifying maximum	Minimum period of fire resistance
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Class of building	limits		in hours	
	Floor area (in sq ft)	Cubic Capacity (in cu ft)	Elements above ground	Elements below ground
A(i)	2,800	no limit	½	1
A(iii) A(iv) B(i) B(ii)	2,800	no limit	½	1
C	1,860	no limit	½	1
	3,720	no limit	1	½
D	2,800	no limit	½	1
	no limit	no limit	1	1½
E(i)	1,860	no limit	½	1
E(ii)	2,800	no limit	1	1½
F(i)	465	no limit	½	1
F(ii)	930	no limit	1	1½

FIRE RESISTANCE REQUIREMENTS

TABLE 2

(Regulation 25)

Element of structure and part of building		Period of fire resistance to satisfy the requirements for (a) collapse (b) passage of flame and (c) insulation
(1)	(2)	(3)
Structural frames beams and columns	In an uncomparted building	The element is capable of satisfying requirements (a) collapse for the period specified when subject to fire
	In a building split into compartments	
Floors	Compartment floors in all buildings	The element is capable of satisfying each of the three requirements (a), (b) and (c) for the period specified when the underside is exposed to fire
	All other floors above the lowest	
Walls	Internal loadbearing walls in an uncomparted building	The element is capable of satisfying each of the three requirements (a), (b) and (c) for the period specified when either side is exposed to fire
	Internal loadbearing walls in a building split into compartments and any compartment walls	

	External walls on the boundary of the plot	<p>The element is capable of satisfying each of the three requirements when only the internal side is exposed to fire:</p> <p>(a) collapse - for the period specified or 30 minutes whichever is the greater,</p> <p>(b) passage of flame for the period specified under (a),</p> <p>(c) insulation for 15 minutes irrespective of the period of fire resistance</p>
	External walls 3.0 ft (0.9m) or more from the boundary of the plot	

TABLE 2 - (Contd.)

(Regulations 25)

FIRE RESISTANCE REQUIREMENTS

Element of structure and part of building		Period of fire resistance to satisfy the requirements for (a) collapse (b) passage of flame and (c) insulation
(1)	(2)	(3)

Doors, shutters ducts or access covers (Exposure to test by fire when fitted within frame)	Where separating a flat or maisonette from any space in common use, and any door in an exit required by Reg. 37	The part is capable of satisfying the requirement for (a) collapse for 30 minutes (b) passage of flame for 20 minutes (c) insulation for no specified period when either side is exposed to fire
	Where separating a protected shaft from a hall, lobby or corridor which forms part of an exit	The part is capable of satisfying the requirements for (a) collapse for 30 minutes (b) passage of flame for 20 minutes (c) insulation for no specified period when either side is exposed to fire
	Where in a compartment wall, in other situations not set out above	The part is capable of satisfying the requirements for (a) collapse (b) passage of flame both for the period specified for the compartment wall in which it is fixed when either side is exposed to fire. There is no specified period for insulation.

TABLE 3

(Regulation 25)

NATIONAL PERIODS OF FIRE RESISTANCE

A - STRUCTURAL STEELWORK

Encased steel stanchions (Weight per foot/metre not less than 30 lbs/ 45kg)

Encased steel beams (Weight per foot/metre not less than 20lbs/30kgs)

Imperial Measure

Construction and materials	Minimum thickness (in inches) of protection for a period of fire resistance - in hours		
	1½	1	½
1. A Solid protection *(unplastered)			
Concrete no leaner than 1:2:4 mix with natural aggregates -			
(a) Concrete not assumed to be load-bearing, reinforced +	1	1	1
(b) Concrete assumed to be loadbearing reinforced in accordance with B.S. 449: Part 2: 1969** or equivalent standard	2	2	2
2. In the case of stanchions solid bricks of clay, sand-lime, blocks of foamed slag	2	2	2
3. Sprayed asbestos in accordance with B.S.3590: 1963 or equivalent standard	5/8	3/8	3/8
+			
B. Hollow protection +			
1. In the case of stanchions solid bricks of clay, sand-lime or foamed slag reinforced in every horizontal joint, unplastered	2	2	2
2. Metal lath with gypsum or cement lime plaster of thickness of	1	3/4	½
3. Metal lath with vermiculite-gypsum or perlite- gypsum plaster of thickness of	5/8	½	½
4. Gypsum plasterboard 3/4 in. with 16 S.W.G.			

wire binding at 4 in. pitch with gypsum plaster of thickness of	3/8	1/4	1/4
-----------------------------------------------------------------	-----	-----	-----

NOTES: *Solid protection means a casing which is bedded close to the steel without intervening cavities and with all joints in that casing made full and solid.

+Reinforcement shall consist of steel binding wire not less than 13 S.W.G. in thickness or a steel mesh weighing not less than 1 lb per sq. yd. In concrete protection the spacing of that reinforcement shall not exceed 6 in. in any direction.

+

+Hollow protection means that there is a void between the protective material and the steel.

All hollow protection to columns shall be effectively sealed at each floor level.

**As read with Supplement No. 1 (PD 3343) to BS 449: Part 1: 1970 and Addendum No. 1 (PD 4064) to BS449: Part 1: 1970.

TABLE 3 - (Contd.)

A - Metric Measure

Construction and materials	Minimum thickness (in inches) of protection for a period of fire resistance - in hours		
	1½	1	½
1. A Solid protection *(unplastered) Concrete no leaner than 1:2:4 mix with natural aggregates-			
(a) Concrete not assumed to be load-bearing, reinforced +	25	25	25
(b) Concrete assumed to be loadbearing reinforced in accordance with B.S. 449: Part 2: 1969** or equivalent standard	50	50	50
2. In the case of stanchions solid bricks of clay, sand-lime, blocks of foamed slag	50	50	50
3. Sprayed asbestos in accordance with B.S.3590: 1963 or equivalent standard	15	15	15
+			
B. Hollow protection +			
1. In the case of stanchions solid bricks of clay, sand-lime or foamed slag reinforced in every horizontal joint, unplastered	50	50	50
2. Metal lath with gypsum or cement lime plaster of thickness of	25	19	12.5
3. Metal lath with vermiculite-gypsum or perlite-gypsum plaster of thickness of	16	12.5	12.5
4. Gypsum plasterboard 19mm with 1.6 wire binding at 100mm pitch with gypsum plaster of thickness of	10	7	7

NOTE: *Solid protection means a casing which is bedded close to the steel without intervening cavities and with all joints in that casing made full and solid.

+Reinforcement shall consist of steel binding wire not less than 2.3 mm in thickness or a steel mesh weighing not less than 0.48 kg/m². In concrete protection the spacing of that reinforcement shall not exceed 150 mm in any direction.

+

+Hollow protection means that there is a void between the protective material and the steel. All hollow protection to columns shall be effectively sealed at each floor level.

**As read with Supplement No. 1 (PD3343) to BS449: Part 1: 1970 and Addendum No. 1 (PD4064) to BS449: Part 1: 1970.

TABLE 3 - (Contd.)

B - MASONRY CONSTRUCTION

Imperial Measure

Construction and materials	Minimum thickness in inches (excluding plaster) for period of fire resistance in hours					
	Loadbearing			non-loadbearing		
	1½	1	½	1½	1	½
1. Reinforced concrete, minimum cover to main reinforcement of 1 in.						
(a) unplastered ...	4	3	3	3		
(b) ½in. cement-sand plaster ...	3	3	3	3		
(c) ½in. gypsum-sand plaster ...	3	3	3	3		
(d) ½in. vermiculite-gypsum plaster	3	3	3	3		
2. Bricks of clay, concrete or sand lime						
(a) unplastered ...	4	4	4	4	3	3
(b) ½in. cement-sand plaster ...	4	4	4	4	3	3
(c) ½in. gypsum-sand plaster ...	4	4	4	4	3	3
(d) ½in. vermiculite-gypsum plaster	4	4	4	4	3	3
3. Concrete blocks of Class 1 aggregate						
(a) unplastered ...	4	4	4	3	3	2
(b) ½in. cement-sand plaster ...	4	4	4	3	3	2
(c) ½in. gypsum-sand plaster ...	4	4	4	3	2	2
(d) ½in. vermiculite-gypsum plaster	4	4	4	2½	2½	2
4. Concrete blocks of Class 2 aggregate						
(a) unplastered ...	4	4	4	4	3	2
(b) ½in. cement-sand plaster ...	4	4	4	4	3	2
(c) ½in. gypsum-sand plaster ...	4	4	4	4	3	2
(d) ½in. vermiculite-gypsum plaster	4	4	4	3	3	2
5. Hollow concrete blocks of Class 1 aggregate						

(a) unplastered ...	4	4	4	4	4	3
(b) ½in. cement-sand plaster ...	4	4	4	3	3	3
(c) ½in. gypsum-sand plaster ...	4	4	4	3	3	3
(d) ½in. vermiculite-gypsum plaster	4	4	4	3	2½	2½
6. Hollow concrete blocks of Class 2 aggregate						
(a) unplastered ...				5	5	5
(b) ½in. cement-sand plaster ...				5	5	4
(c) ½in. gypsum-sand plaster ...				5	5	4
(d) ½in. vermiculite-gypsum plaster				4	4	3

In the above table:

- (a) “Class 1 aggregate” means foamed slag, pumice, blast furnace slag, pelleted fly ash, crushed brick and burnt clay products, well-burnt clinker and crushed limestone.

“Class 2 aggregate” means flint gravel, granite, and all crushed natural stones other than limestone.

- (b) Any reference to plaster means:

(i) in the case of an external wall 3 ft. or more from the boundary, plaster applied to the internal face only.

(ii) in case of any other wall, plaster applied to both faces.

B - Metric Measure

Construction and materials	Minimum thickness in mm (excluding plaster) for period of fire resistance in hours					
	Loadbearing			non-loadbearing		
	1½	1	½	1½	1	½
1. Reinforced concrete, minimum cover to main reinforcement of 25mm						
(a) unplastered ...	100	75	75			
(b) 12.5mm cement-sand plaster ...	100	75	75			
(c) 12.5mm gypsum-sand plaster ...	100	75	75			
(d) 12.5mm vermiculite-gypsum plaster	75	63	63			
2. Bricks of clay, concrete or sand lime						
(a) unplastered ...	100	100	100	100	75	75
(b) 12.5mm cement-sand plaster ...	100	100	100	100	75	75
(c) 12.5mm gypsum-sand plaster ...	100	100	100	100	75	75
(d) 12.5mm vermiculite-gypsum plaster	100	100	100	100	75	75
3. Concrete blocks of Class 1 aggregate						
(a) unplastered ...	100	100	100	75	75	50
(b) 12.5mm cement-sand plaster ...	100	100	100	75	75	50
(c) 12.5mm gypsum-sand plaster ...	100	100	100	75	75	50
(d) 12.5mm vermiculite-gypsum plaster	100	100	100	62	50	50
4. Concrete blocks of Class 2 aggregate						
(a) unplastered ...	100	100	100	100	75	50
(b) 12.5mm cement-sand plaster ...	100	100	100	100	75	50
(c) 12.5mm gypsum-sand plaster ...	100	100	100	100	75	50

(d) 12.5mm vermiculite-gypsum plaster	100	100	100	75	75	50
5. Hollow concrete blocks of Class 1 aggregate						
(a) unplastered ...	100	100	100	100	100	75
(b) 12.5mm cement-sand plaster ...	100	100	100	75	75	75
(c) 12.5mm gypsum-sand plaster ...	100	100	100	75	75	75
(d) 12.5mm vermiculite-gypsum plaster	100	100	100	75	62	62
6. Hollow concrete blocks of Class 2 aggregate						
(a) unplastered ...				125	125	125
(b) 12.5mm. cement-sand plaster ...				125	125	100
(c) 12.5mm gypsum-sand plaster ...				125	125	100
(d) 12.5mm vermiculite-gypsum plaster				100	100	75

In the above table:

- (a) "Class 1 aggregate" means foamed slag, pumice, blast furnace slag, pelleted fly ash, crushed brick and burnt clay products, well-burnt clinker and crushed limestone.
- "Class 2 aggregate" means flint gravel, granite, and all crushed natural stones other than limestone.
- (b) Any reference to plaster means:
- (i) in the case of an external wall 0.90 m or more from the boundary, plaster applied to the internal face only.
- (ii) in the case of any other wall, plaster applied to both faces.

C - TIMBER FLOORS

Imperial Measure

Construction and materials	Minimum thickness (in inches) for fire resistance - in hours	
	1 hour	½ hour
1. Plain edge boarding on timber joists not less than 1½ inches wide with a ceiling of -		
(a) metal lathing and plaster -thickness of plaster (a) gypsum ... (b) vermiculite ...		5/8 ½
(b) one layer of plasterboard of minimum thickness of ½ inch finished with gypsum plaster of thickness ...		½
(c) two layers of plasterboard of total thickness ...		1
(d) two layers of plasterboard each of minimum thickness of 3/8 inch finished with gypsum plaster of thickness ...		3/16
(e) one layer of asbestos insulating board of minimum thickness ...		½
2. Wood chipboard or tongued and grooved boarding not less than 3/4 inch (nominal) thickness on timber joists not less than 1½ inches wide with ceiling of -		
(a) metal lathing and plaster - thickness of plaster (a) gypsum ... (b) vermiculite ...	7/8 ½	5/8 ½
(b) one layer of plasterboard of minimum		

Construction and materials	Minimum thickness of solid substance including screed (in inches) for a fire resistance of-		
	1½	1 hour	½ hour
(a) Solid flat slab or filler joist floor. Units of channel or T section ...	5	4	3½
(b) Solid flat slab or filler joist floor with 1 inch wood-wool slab ceiling base ...	4	3½	3½
(c) Units of inverted U section with minimum thickness at crown ...	4	3	2½
(d) Hollow block construction or units of box or I section	3½	3	2½

Metric Measure

Construction and materials	Minimum thickness of solid substance including screed (in mm) for a fire resistance of-		
	1½	1 hour	½ hour
(a) Solid flat slab or filler joist floor. Units of channel or T section ...	125	100	90
(b) Solid flat slab or filler joist floor with 1 inch wood-wool slab ceiling base ...	100	90	90
(c) Units of inverted U section with minimum thickness at crown ...	100	75	63
(d) Hollow block construction or units of box or I section	90	75	63

TABLE 3 - (Contd.)

E - REINFORCED CONCRETE COLUMNS

Imperial Measure

Construction and materials	Minimum dimension of + concrete column + without finish (in inches) for a fire resistance of-		
	1½ hours	1 hour	½ hour
1. (a) without plaster ...	10	8	6
(b) with ½ in. cement-sand plaster on mesh reinforcement fixed around column ...	9	7	6
(c) finished with ½ in. encasement of	8	6	5

vermiculite -gypsum plaster ... (d) with limestone or lightweight aggregate as coarse aggregate	8	8	6
2. Built into * a compartment wall or external wall + (a) without plaster ... (b) with ½ in. of vermiculite-gypsum plaster ...	4 3	3 3	3 3

*No part of the column projecting beyond either face.

+Having not less fire resistance than that of the column and extending to the full height of, and not less than 2ft on each side of, the column.

+

+The Minimum dimension of a circular column is the diameter.

Metric Measure

Construction and materials	Minimum dimension of + concrete column + without finish (in mm) for a fire resistance of-		
	1½ hours	1 hour	½ hour
1. (a) without plaster ...	250	200	150
(b) with 12.5mm cement-sand plaster on mesh reinforcement fixed around column ...	225	175	150
(c) finished with 12.5mm encasement of vermiculite -gypsum plaster ...	200	150	125
(d) with limestone or lightweight aggregate as coarse aggregate	200	200	150
2. Built into * a compartment wall or external wall + (a) without plaster ...	100	75	75
(b) with ½ in. of vermiculite-gypsum plaster ...	75	75	75

*No part of the column projecting beyond either face.

+Having not less fire resistance than that of the column and extending to the full height of, and not less than 0.6 m on each side of, the column.

+

+The minimum dimension of a circular column is the diameter.

F - REINFORCED CONCRETE BEAMS

Imperial Measure

Construction and materials	Minimum concrete cover without - finish to main reinforcement (in inches) for a fire resistance of -		
	1½ hours	1 hour	½ hour
(a) without plaster ...			
(b) with ½ in. vermiculite-gypsum plaster ...	1½	½	½
(c) with ½ in. cement-sand or gypsum-sand plaster on mesh reinforcement fixed around beam	½	½	½
	1	½	½

F - Metric Measure

Construction and materials	Minimum concrete cover without - finish to main reinforcement (in mm) for a fire resistance of -		
	1½ hours	1 hour	½ hour
(a) without plaster ...	37	25	12.5
(b) finished with 12.5mm vermiculite-gypsum plaster ...	12.5	12.5	12.5
(c) with 12.5mm cement-sand or gypsum-sand plaster on mesh reinforcement fixed around beam	25	12.5	12.5

TABLE 4

(Regulation 28)

RULES FOR CALCULATING OPENINGS IN EXTERNAL WALLS

- Clause 1. The permitted limits of openings in any side of a building or compartment shall be calculated by reference to the requirements of this Table.
- Clause 2. For the purposes of this Table the expression opening shall have the meaning ascribed to it in Regulation 20, but in calculating the size of opening the following provisions shall apply:-
- (i) where any part of an external wall is designated an opening only because it has combustible material attached to it as cladding, the area of the opening shall be deemed to be one half the area of such cladding;
 - (ii) where the wall is situated on or within 3 ft (0.9m) of a boundary of the plot no account shall be taken of an opening which does not exceed 150 in. \hat{A}^2 (0.1 m \hat{A}^2) and which is not less than 5 ft (1.5m) from any other opening in the same side of the building or compartment;

(iii) where the wall is situated 3 ft (0.9m) or more from the boundary of the plot no account shall be taken of the following openings

- (a) any openings designated in clause 2(ii) of this Table;
- (b) one or more openings having an area (or if more than one an aggregate area) no exceeding 10 ft \hat{A}^2 (1.0 m \hat{A}^2) and being not less than 12 ft. (3.6m) from any other opening in the same side of the building or compartment, (except any opening as is specified in clause (ii) above);
- (c) an opening in any part of an external wall which forms part of a protected shaft.

Clause 3. The percentage of openings in an external wall shall be calculated in accordance with this Table and the wall shall be so sited that the distance from the external face of the wall to the boundary of the plot is not less than that prescribed in this Table.

DISTANCE FROM THE BOUNDARY OF THE PLOT TO EXTERNAL WALL

Imperial Measure

Height of wall not exceeding ft.	Length of wall not exceeding ft.	Minimum distance (ft) from external face of wall to boundary when proportion of openings in wall is:-			
		Less than 20%	Over 20% but less than 30%	Over 30% but less than 50%	50% or more
30	40	3	9	14	21
	80	5	11	17	28
	120	6	11	19	32
	160	6	11	20	35
	200	6	11	20	37
60	40	7	13	20	30
	80	9	17	27	42
	120	11	19	31	50
	160	11	21	34	56
	200	11	21	36	60

NOTES: (a) Where the length of an external wall containing openings exceeds 200 ft the minimum distances from the external face of that wall to the boundary of the plot shall be the same as the distances required for a wall more than 160 ft and less than 200 ft long.

- (b) In determining the height and length of the wall and the proportion of openings in the side of the building or compartment, only that part in which openings occur shall be considered.
- (c) Where the external wall is in more than one vertical plane, the distance should be measured from that part of the wall which is nearest to the plot boundary. Any setback or recess of 5 ft or less shall be disregarded. Any setback or recess of more than 5 ft shall be considered as a separate wall.

Metric Measure

Height of wall not exceeding (m).	Length of wall not exceeding (m)	Minimum distance (m) from external face of wall to boundary when proportion of openings in wall is:-			
		Less than 20%	Over 20% but less than 30%	Over 30% but less than 50%	50% or more
9	12	1.0	2.7	4.3	6.4
	24	1.5	3.4	5.2	8.5
	36	1.8	3.4	5.8	9.5
	48	1.8	3.4	6.1	10.7
	60	1.8	3.4	6.1	11.3
18	12	2.1	4.0	6.1	9.1
	24	2.7	5.2	8.2	12.8
	36	3.4	5.8	9.2	15.2
	48	3.4	6.4	10.9	17.1
	60	3.4	6.4	11.0	18.3

- NOTES: (a) Where the length of an external wall containing openings exceeds 60 m the minimum distances from the external face of that wall to the boundary of the plot shall be the same as the distances required for a wall more than 48 m and less than 60m long.
- (b) In determining the height and length of the wall and the proportion of openings in the side of the building or compartment, only that part in which openings occur shall be considered.
- (c) Where the external wall is in more than one vertical plane, the distance should be measured from that part of the wall which is nearest to the plot boundary. Any setback or recess of 1.5 m or less shall be disregarded. Any setback or recess of more than 1.5 m shall be considered as a separate wall.

TABLE 5

(Regulation 29)

FIRE-RESISTING DOORS

1. A fire door Type 1, if exposed to an approved test for its period of fire resistance, shall, when fitted in its frame, satisfy the requirements of that test as to freedom from collapse and resistance to the passage of flame for the specified period of fire resistance, but with no minimum period as to insulation.
2. A fire door Type 2 -
 - (a) if exposed to an approved test for its period of fire resistance, shall, when fitted in its frame, satisfy the requirements of that test as to freedom from collapse and as to resistance to the passage of flame for 30 minutes, but with no minimum period as to insulation; and
 - (b) shall be either a single leaf swinging in one direction only OR a double leaf, each leaf swinging in the opposite direction from the other leaf, and with rebated meeting styles.
- (c) A fire door Type 3 -
 - (a) if exposed to an approved test for fire resistance, shall, when fitted in its frame, satisfy the requirements of that test as to freedom from collapse for 30 minutes and as to resistance to the passage of flame for 20 minutes, but with no minimum period as to insulation; and
 - (b) may be single or double leaf swinging in one or both directions. In either case the clearance between the leaf or leaves of the door and the frame, and where there are two leaves to the door between the leaves, shall be as small as is reasonably practicable.

TABLE 6

(Regulation 31)

SPREAD OF FLAME OVER WALL AND CEILINGS

Class of building (regulation 21)	Class of surface of walls, ceilings and soffits	
	Rooms	Circulation spaces and protected shafts
A,B,C,D,E,F,H(ii)	Class 1	Class O

TABLE 7

(Regulation 35)

CALCULATION OF OCCUPANT CAPACITY, NOT INCLUDING FLATS

Column 1	Column 2
----------	----------

Description of room or storey	Notional area per person in sq. ft.	Notional area", per person in sq. m.
Assembly halls (moveable or no seating)	5	0.5
Bars (including public and lounge bars)	5	0.5
Bedrooms	50	4.65
Bowling alleys and Billiard rooms	100	9.3
Canteens	12	1.1
Clubs	5	0.5
Common rooms	12	1.1
Concourses	8	0.75
Crush halls and Queuing lobbies	8	0.75
Dance halls	8	0.75
Dining rooms	12	1.1
Dormitories	50	4.65
Enquiry rooms	40	3.7
Factory shop floors - workrooms and storage	50	4.65
General purpose rooms	12	1.1

TABLE 7 - (Contd.)

Column 1	Column 2	
Description of room or storey	Notional area per person in sq. ft.	Notional area", per person in sq. m.
Grandstands (without fixed seating)	5	0.5
Kitchens	100	9.3
Libraries, Museums, Art Galleries	50	4.65
Lounges	20	1.85
Meeting rooms and Meeting houses	5	0.5
Messroom	12	1.1
Offices	55	5.1
Reading rooms	20	1.85
Restaurants, Cafes	12	1.1

Shops trading in the common type of consumer goods		
(a) basement and ground storeys	15*	1.4
(b) storeys above ground storey	20*	1.85
Shops specialising in more expensive or exclusive trades	75*	7.0
Shops for personal services including hairdressing	50	4.65
Stadia (without fixed seating)	5	0.5
Staff rooms	12	1.1
Studios (radio, film, T.V., recording)	15	1.4
Warehouses	300	28.0
Writing rooms	20	1.85

*These factors are to be applied to the gross sales floor area.

TABLE 8

(Regulation 40)

MINIMUM WIDTH OF STAIRWAY RELATIVE TO OCCUPANT CAPACITY

Min. occupant capacity (Number of persons)	Max. occupant capacity (Number of persons)	Total width of stairway ft. in	Total width of stairway m
0	50	2 6	0.75
50	150	3 0	0.90
150	200	3 6	1.05
200	225	4 0	1.20
225	250	4 6	1.35
250	275	5 0	1.50
275	300	5 6	1.70

For an occupant capacity of more than 300 and less than 600 the minimum width of stairway shall be increased by 6 inches (0.15m) for each 25 persons or part thereof.

TABLE 9

(Regulation 31)

SPREAD OF FLAME - GUIDELINES

Examples of board and sheet materials of Class O and Class 1 surface spread of flame as described in BS 476: Part 1: 1953; and of prohibited materials in the Class 4 range.

Class O surfaces

Asbestos cement sheets

Asbestos insulation board to BS 3536

Asbestos insulation board, or plaster, or concrete, or metal sheets finished with oil based or polymer paints

Plaster boards to BS 1230

Class 1 surfaces

Wood-wool slab to BS 1105

Fibre insulation board to BS 1142 with asbestos felt surface finish on the exposed face

Compressed straw slabs with asbestos felt surface finish on the exposed face

Timber or plywood or fibre insulation board or hardboard

painted with a fire retardant paint or varnished with a fire retardant varnish.

Class 4 surfaces (unacceptable under Reg. 31)

Any of the following unless they are suitably treated or suitably painted to the satisfaction of the Chief Fire Officer -

Medium density hardboard

Compressed straw slabs

Fibre insulation board

Timber and plywood weighing less than 25 lb/ft³ (0.4 g/cm³)

TABLE 10

(Regulation 32)

EXAMPLES OF ACCEPTABLE ROOFS

Pitched roofs covered with -

Slates, either natural or asbestos/cement, or natural slabs of stone, or tiles burnt clay or concrete.

Pitched or flat roofs covered with -

Corrugated sheets of galvanized steel, aluminium, composite steel and asbestos, or asbestos/cement, or

sheets of aluminium, copper or zinc, or

metal sheeting covered on both inner and outer surface with bituminous or plastic material.

Flat roofs covered with -

Mastic asphalt at least 3/4 in. (18 mm) thick and fully supported, or

two layers of asbestos based bitumen felt fully supported, or

organic based bitumen felt fully supported on a base of non-combustible material not less than 1/2 in. (13 mm) thick, or

organic based roofing felt fully supported and covered with non-combustible material not less than 1/2 in. (13 mm) thick or with bituminous macadam composed of fine gravel or stone chippings.

TABLE 11

(Regulations 48 and 49)

PART 1 - MIN. REQUIREMENTS FOR EMPLOYEE SANITARY FACILITIES

No. of male employees	W.C.s	Urinals	Lavatory basins	Showers	No. of Female employees	W.C.s	Lavatory basins
1 – 10	1		1		1 – 10	1	1
11 – 30	1	1	2		11 – 30	2	2
31 – 45	2	1	3	1	31 – 45	3	3
46 – 60	2	2	4	1	46 – 60	4	4
61 – 90	3	2	5	1	61 - 90	5	5
91 – 120	3	3	6	1	91 – 120	6	6
121 - 150	4	3	7	2	121 - 150	7	7
151 – 180	4	4	8	2	151 – 180	8	8
181 - 210	5	4	8	2	181 - 210	9	8
211 - 240	5	5	9	2	211 - 240	10	9
241 – 270	6	5	9	3	241 – 270	11	9
271 - 300	6	6	10	3	271 - 300	12	10

PART 2 - MIN. REQUIREMENTS FOR PUBLIC SANITARY FACILITIES

	No. of Males	W.C.s	Urinals	Lavatory	No of females	W.C.s	Lavatory basins
General use or occupancy	1 – 30	1		1	1 – 30	1	1
	31 – 120	1	1	1	31 – 120	2	1
	121 – 240	2	1	1	121 – 240	3	2
	241 – 360	2	2	2	241 – 360	4	2
	361 – 480	2	3	2	361 – 480	5	3
	481 – 600	3	3	3	481 – 600	6	3
Service of food or drink	1 – 30	1		1	1 – 30	1	1
	31 – 60	1	1	1	31 – 60	2	1
	61 – 90	1	1	1	61 – 90	3	2
	91 – 120	2	2	2	91 – 120	4	2
	121 – 180	2	3	3	121 – 180	5	3
	181 - 260	2	3	3	181 - 260	6	3
	261 - 300	3	4	3	261 - 300	7	4

	Sq. Ft. of Sales areas	Male	Female
Shops, Stores, Markets	5,000 – 10,000	1.W.C. & 1 L.B.	1W.C. & 1L.B.
	10,000 – 15,000	1 W.C., 1U, & 1L.B,	1W.C.s & 1L.B.
	15,000 – 20,000	2W.C.s 1U. & 1L.B.s	3W.C.s & 2L.B.s
	Over 20,000	2W.C.s 2U.s. & 2L.B.s	4W.C.s & 2L.B.s
Petrol Stations	4 or more pump	1W.C. & 1L.B.	1W.C. & 1L.B.

PART 3 - MINIMUM AREAS AND DIMENSIONS OF HABITABLE ROOMS AND KITCHENS

Description of room	Area		Minimum width or length	
	sq.ft.	sq. m.	feet	metres
Living room	120	11.15	10	3.05
First bedroom	110	10.92	9	2.74
Additional bedrooms	80	7.44	7	2.13
Dining room	80	7.44	8	2.44
Kitchen	40	3.72	5	1.52
Living/dining/bedroom	200	18.58	10	3.05
Living/dining/kitchen	180	16.73	10	3.05
Living/bedroom	180	16.73	10	3.05
Living/dining room	160	14.88	10	3.05
Dining room/kitchen	100	8.29	8	2.44
Any other habitable room	80	7.44	7	2.13

THIRD SCHEDULE

(Regulation 2)

RULES OF MEASUREMENT

Rule A. General

- (1) Any distance from any point on the boundary of land in different occupation shall be measured horizontally.
- (2) A rise, slope, or fall away shall be taken to be one unit measured vertically in a given number of such units measured horizontally.

Rule B. Thickness

- (1) The thickness of timber shall be taken to be the actual thickness;
- (2) The thickness of any plaster shall be taken to be the least thickness of the plaster;
- (3) The thickness of a wall (or a leaf of a cavity wall) shall be taken to be the actual thickness exclusive of any applied surface finish.

Rule C. Internal horizontal measurements

All horizontal internal measurements in a room shall be measured from the inner finished surfaces of the walls or partitions forming the room measured at a height of 4 feet (1.22 metres) above the level of the floor.

Rule D. Internal vertical measurements

For the purpose of making vertical measurements -

- (1) a reference to a floor shall be taken to mean the upper finished surface of the floor.
- (2) a reference to a ceiling shall be taken to mean the underside of the ceiling or where a beam or rafter (other than a beam or rafter which throughout its length in the room is an integral part of one of the walls or partitions enclosing the room) projects below the ceiling, the reference shall be taken to mean the underside of the finished surface of the lowest beam or rafter,
- (3) the height of any part of a chimney or flue-pipe above an appliance shall be measured vertically from the highest part of the junction of the appliance with the chimney or flue-pipe.

Rule E. Area of a room

The area of a room shall be taken to be the total area of the floor of the room: provided that for the purposes of Regulation 49 of these Regulations-

- (1) where there is within a habitable room or kitchen a stairway or part of a stairway the area of any space occupied by any part of the stairway in any horizontal plane within that room shall be excluded from the area of the room;
- (2) the area of a habitable room shall be deemed to include the area of any built-in storage in that room provided that the floor area of built-in storage which may be so included does not exceed one-tenth of the total floor area of the room;
- (3) the area of a kitchen shall be deemed to include the area of any built-in storage or other fixture in that room provided that the floor area of built-in storage or other fixture which may be so included does not exceed one half of the total floor area of the kitchen.
- (4) any part of the floor area of any room over which the height of the room is less than 6 ft. 9 in. (2.06 metres) shall be deemed not to form part of the room.

Rule F. Area of a storey

The area of a storey shall be taken to be the area measured inside the inner finished surfaces of the enclosing walls or where there are no enclosing walls the outermost edges of the floor, and shall include all internal and partition walls; provided that covered balconies or covered verandahs to any storey shall be deemed to be within the enclosing walls of that storey.

Rule G. Area of a building

The floor area of a building shall be taken to be the sum of the areas of the storeys comprising that building.

Rule H. Area of openings (not including openings to which Regulation 28 applies)

The area of any window or glazed opening shall be taken to be the area of the glass therein clear of any frame sash, mullion, or glazing bar. The area of any ventilation opening shall be measured inside the frame and shall exclude any sash, bar, or other obstruction to the passage of air.

Rule I. Height of a room

Where the ceiling over the whole or part of the area of a room is level, the height over that area shall be taken to be the vertical measurement from the floor of that area to the ceiling; where the ceiling over the whole or part of the area of a room slopes, the height over that area shall be taken to be the vertical measurement from the floor to the highest part of the ceiling over that area, less one half the vertical measurement between the highest and lowest parts of the sloping ceiling over that area. Where the floor is at more than one level, the height shall be measured over each floor level. For the purposes of Regulation 58, where the height of a part of a room exceeds the minimum permissible average height by more than two feet (609.6 millimetres), it shall be deemed to be the minimum permissible average height plus two feet (609.6 millimetres).

Rule J. Height of a storey

The height of a storey other than the top storey shall be taken to be the vertical measurement from its floor to the floor next above.

Where the whole of the top storey is under one roof, the height of the top storey shall be taken to be the vertical measurement from its floor to the highest part of the roof less one half the vertical measurement between the highest and lowest parts of the roof. Where different parts of the top storey are under different roofs, the height of each part shall be taken to be the vertical measurement from its floor level to the highest part of the roof over it, less one half the vertical measurements between the highest and lowest parts of the roof over it.

Where parts of the floor of a storey are at different levels, the height of the storey shall be measured over each floor level.

Rule K. Height of a building

The height of a building which is covered by one roof shall be taken to be the vertical measurement from the mean level of the ground adjoining the building to the highest part of the roof of the building less one half the vertical measurement between the levels of the highest and lowest part of the roof: where different parts of a building are covered by different roofs, the height of each part of the building shall be taken to be the vertical measurement from the mean level of the ground adjoining that part of the building to the highest part of the roof over that part of the building less one half the vertical measurement between the highest and lowest parts of that roof.

Rule L. Average height of a room

The average height of a room shall be taken to be the cubic content of the room divided by its floor area.

Rule M. Cubic content of a room

The cubic content of a room shall be taken to be the sum of the volumes obtained by multiplying the heights of the various parts of the room by the floor areas under each height.

Rule N. Cubic content of a storey

The cubic content of a storey shall be taken to be the height of each part of the storey multiplied by the area of that part.

Rule O. Cubic content of a building

The cubic content of a building shall be taken to be the sum of the cubic contents of its storeys.

Rule P. Buildings on columns or piers

Where the lowest floor of a building is raised above the level of the site on columns or piers, the height of the building shall be measured vertically from the underside of the finished surface of the lowest beam supporting the building, instead of from the mean level of the ground adjoining the building. Provided that where any part of a building is raised above the level of the site on columns or piers and where the site is not normally covered with water for the whole or part of each day and the vertical measurement between the upper finished surface of the pavement under that part of the building, or the ground where there is no pavement, and the underside of the finished surface of the lowest beam supporting the building exceeds five feet (1.52 metres) that pavement, or ground where there is no pavement, shall be deemed to be the floor of a storey of the building.

Rule Q. Stairways

The tread width of any stairway shall be taken to be the horizontal distance between the front of the tread and the front face of the riser or, if there is no riser, the back of the tread so, however, that in the case of a stairway having tapering treads the going and the tread shall be measured at a distance of one foot six inches (457.2 millimetres) from that side of the stairway at which the treads are narrower.

The width of a stairway shall be taken to be the unobstructed width taking no account of any obstruction caused by handrails.

The height of any wall, railing, or balustrade in relation to a stairway shall be measured vertically above the pitch line.

FOURTH SCHEDULE

(Regulations 63, 68, 69 and 73)

DRAINAGE TESTS FOR WATERTIGHTNESS

PART I

ALTERNATIVE TESTS FOR DRAINS TO CARRY FOUL WATER

Test 1

The drain or section thereof to be tested shall be suitably plugged and filled with water at the pressure equivalent to a head of 5 feet (1.52 metres) of water at the highest part of the drain or section under test. The test shall be so arranged that a pressure of 3.4 pounds per square inch (equivalent to a head of 8 feet (2.44 metres) of water) is not exceeded at any point in the drain or section under test. After sufficient time has elapsed to permit the absorption of water by the pipes and joints, the pressure shall be restored to that equivalent to a minimum head of 5 feet (1.52 metres) of water.

This test shall be satisfied if the drain thereafter maintains that pressure for a period of at least 10 minutes.

Test 2

The drain or section thereof to be tested shall be suitably plugged and filled with air (with or without smoke) at a pressure equivalent to a head of 4 inches (101.6 millimetres) of water (1.4 pounds per square inch).

This test shall be satisfied if the drain for 5 minutes thereafter maintains a pressure equivalent to a head of at least 3 inches (76.20 millimetres) of water (1.06 pounds per square inch).

PART II

TEST FOR SOIL PIPES, SOIL-WASTE PIPES, WASTE PIPES, VENTILATING PIPES AND INTERNAL RAIN WATER PIPES

Test 3

The soil pipes, soil-waste pipes, waste pipes, ventilating pipes and internal rain water pipes or any section thereof to be tested, shall be suitably plugged and filled with air (with or without smoke) at a pressure equivalent to a head of 2 inches (50.80 millimetres) of water (0.71 pounds per square inch).

This test shall be satisfied if this pressure remains constant for a period of 5 minutes thereafter.

SECTION 36

The Town and Country Planning (Applications for Permission) (Fees) Regulations

[1st June, 1975]

SI. 35 of 1975
SI. 100 of 1976
SI. 71 of 1980
SI. 27 of 1991
SI. 40 of 1999
SI. 11 of 2009

1 These Regulations may be cited as the Town and Country Planning (Applications for Permission) (Fees) Regulations.

2 In these Regulations unless the context otherwise requires -

"the General Development Order" means the Town and Country Planning General Development Order;

"the Planning Authority" means the Town and Country Planning Authority established by section 3 of the Act.

3 (1) There shall be paid in respect of each application made to the planning authority for planning permission under the Act a fee calculated in accordance with the Schedule hereto.

(2) Any fee payable under these Regulations shall be paid -

(a) at the Office of the Town and Country Planning Department, Victoria; or

(b) where the application relates to development on Praslin or La Digue, at the Office specified in paragraph (a) or at the Office of the Government Representative Praslin and La Digue.

(3) No application made to the planning authority for planning permission under the Act shall be considered unless it is accompanied by an official receipt for the full amount of the fee payable hereunder.

SCHEDULE OF FEES

A. APPLICATION FOR DETAILED PERMISSION AND SUBSEQUENT APPROVAL

1. Residential Accommodation

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) Dwelling house not exceeding 100 square metres | SR300.00 |
| (b) Dwelling unit in terraced, flatted or any other multiple form not exceeding 100 square metres | SR300.00 |
| (c) Dwelling house or unit referred to in sub-paragraphs (a) and (b) exceeding 100 square metres but not exceeding 150 square metres | SR450.00 |
| (d) Dwelling house or unit referred to in sub-paragraphs (a) and (b) exceeding 150 square metres but not exceeding 200 square metres | SR900.00 |
| (e) Dwelling house or unit referred to in sub-paragraphs (a) and (b) exceeding 200 square metres | SR1500.00 |

2. Tourist Accommodation

- | | |
|---------------------------------------------------|---------------------------|
| (a) No exceeding 20 beds | SR300.00 per bed |
| (b) Exceeding 20 beds but not exceeding 60 beds | SR450.00 per bed |
| (c) Exceeding 60 beds but not exceeding 200 beds | SR600.00 per bed |
| (d) Exceeding 200 beds but not exceeding 300 beds | SR900.00 per bed |
| (e) Exceeding 300 beds | SR1350.00 per bed |
| (f) Staff accommodation/other hotel amenities | SR15.00 per square metres |
| (g) Roads | SR20.00 per Linear |

	metre
3. Commercial/Industrial Development	
(a) Offices, shops, factories, warehouses, restaurants, cafes, cinemas, dance halls, and the like	SR25.00 per square metre
(b) money changes	SR25.00 per square metre
(c) Roads	SR20.00 per Linear metre
4. Airstrips and Marinas (including Jetties)	SR5000.00 and commercial rates for associated buildings per space
5. Private Roads and Other Forms of Access (<i>drives/bridges</i>)	
(a) Not exceeding 3 metres in width	SR5.00 per Linear metre
(b) Exceeding 3 metres in width	SR5.00 per Linear metre
6. Community Projects Self Help Projects (<i>including Religious Projects and Community Roads</i>)	EXEMPT
7. Quarries and Other Mineral Working	SR5000.00
8. Reclamation	
0-25 square metres	SR350.00
>250 square metres	SR2.00 per square metre
>500 square metres	SR4.00 per square metre
9. Utilities/Excavation works	SR1000.00
10. Retaining/Boundary walls	SR250.00
B. APPLICATIONS FOR OUTLINE PERMISSION	
1. Residential Accommodation (<i>All Types</i>)	SR75.00
2. Tourist Accommodation	SR150.00

	<i>(All Types)</i>	
3.	Commercial and Industrial Development	SR6.00 per square metre
4.	Utilities/Excavation	SR150.00
	<i>(All Types)</i>	
5.	Reclamation	SR350.00
	<i>(All Types)</i>	
6.	Community and Self Help Projects	EXEMPT
7.	Subdivision	SR50.00 per Plot
8.	Change of Use	SR300.00
	<i>(All Types)</i>	
C.	OTHER APPLICATIONS	
1.	Subdivisions of land	SR/Plot
	(a) Residential, not exceeding 3 plots	SR195.00
	(b) Residential, exceeding 3 plots	SR455.00
	(c) Agricultural	SR100.00
	(d) Commercial or Industrial	SR975.00
2.	Change of Use	
	(a) To Residential	As per A. 1.
	(b) To Tourism	As per A. 2.
	(c) To Commercial or Industrial	As per A.3
	(d) To any other purpose	SR500.00
	(e) Money Changer	SR25.00 per square metre
3.	Miscellaneous Minor Developments	
	(a) Retaining Wall exceeding 1.2 m in height	SR250.00
	(b) Extension to House or unit referred to in A. 1 not exceeding 1/6 of the floor area of the existing house or unit and not exceeding 30 square metres	SR300.00
	(c) Any Other Minor Development (carport, laundry, etc)	SR200.00
4.	Container	SR500.00
5.	Advertisement Consent	SR200.00 or SR75 per square metre whichever is greater

OTHERS

6. Store	Per square metre
(a) Residential	SR100.00
(b) Commercial	SR12.00
7. Agricultural	Per square metre
(a) Chicken Coops/Pig Sties	SR5.00
(b) Commercial or Industrial Meat/Fish Production or Processing	SR25.00
8. Swimming Pool	SR500.00
9. Re-Roofing	
(a) Residential	SR50.00
(b) Commercial	SR300.00
10. Temporary Workers Accommodation	SR6.00 per square metre
11. Retrospective Applications	
All Categories	7 times the normal application fees
12. Substitution After Approval has been Granted	
Residential, Commercial in Industrial	Repay 50% of the fees as applicable
13. Renewals (only Residential Development)	
(a) Between 3 to 3 years	Normal Fees
(b) Between 3 to 5 years	Double
(c) Above 5 years	Resubmit
14. Appeals	
(a) Planning Refusal Only	SR250.00
(b) Environmental Refusal	SR250.00 <i>Env.Fee</i> + SR250.00 <i>planning fee</i>

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