

Building Act 1984

Section 82.

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

- (a) to shore up any building adjacent to the building to which the notices relates,
- (b) to weatherproof any surfaces of an adjacent building that are exposed by the demolition,
- (c) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it,
- (d) to remove material or rubbish resulting from the demolition and clearance of the site,
- (e) to disconnect and seal, at such points as the local authority may reasonably require, any sewer or drain in or under the building,
- (f) to remove any such sewer or drain, and seal any sewer or drain with which the sewer or drain to be removed is connected,
- (g) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or (f) above,
- (h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building,
- (i) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required by the fire and rescue authority;]
- (j) to take such steps relating to the conditions subject to which, the demolition is to be undertaken, and the condition in which the site is to be left on completion of the demolition, as the local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.

(2) No one shall be required under paragraph (c), (e) or (f) of sub-section (1) to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to Section 101 below, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(3) Before a person complies with a requirement under paragraph (e), (f) or (g) of sub-section (1), he shall give to the local authority -

- (a) at least 48 hours notice, in the case of a requirement under paragraph (e) or (f) or
- (b) at least 24 hours notice, in the case of a requirement under paragraph (g)

and a person who fails to comply with this sub-section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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

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

- (a) the obligation to obtain any consent required under Section 174 of the Water Industry Act 1991 or Section 176 of the Water Resources Act 1991 (interference with water supplies or with 'waterworks')
- (b) criminal liability under any enactments relating to the supply of gas or electricity or
- (c) the requirement of regulation under Section 31 of the Gas Act 1972 (public safety).

Section 83 (1) to (3)

- (1) Section 102 below applies in relation to notice given under Section 81 above.
- (2) Among the grounds on which an appeal may be brought under Section 102 below against such a notice are -
 - (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building that being demolished, and ought to pay, or contribute towards, the expense of shoring it up.
 - (b) in the case of the notice requiring any surface of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.
- (3) Where the grounds on which an appeal under section 102 below is brought include a ground specified in subsection (2) above
 - (a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
 - (b) on the hearing of the appeal the court may make such order as it thinks fit -
 - (i) in respect of the payment of, or contribution towards, the cost of the works by any such person, or
 - (ii) as to how any expenses that may be recoverable by the local authority are to be borne between the appellant and any such person.

BUILDING ACT 1984

APPEAL AGAINST NOTICE REQUIRING WORKS

- 102 (1) Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a Magistrates Court on any of the following grounds that are appropriate in the circumstances of the particular case;
- (a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given,
 - (b) that there has been some informality, defect or error in, or in' connection with, the notice,
 - (c) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
 - (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose,
 - (e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of the occupier, and that it would have been equitable for it to have been so served,
 - (f) where the works are works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.
- 102 (2) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

102 (3) The appellant

- (a) shall, where the ground upon which the appeal is brought include a ground specified in sub-section (1) (e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
- (b) may, in the case of any appeal under this section, serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the courts may make such order as it thinks fit with respect to -
 - (i) the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
 - (ii) the proportions in which any expenses that may become recoverable by the Council are to be borne by the appellant and such other person.

102 (4) In exercising its powers under sub-section (3) above, the court shall have regard -

- (a) As between an owner and an occupier, to the terms and conditions whether contractual or statutory, of the tenancy and to the nature of the works required, and
- (b) in any case, to the degree of the benefit to be derived by the different persons concerned.

102 (5) This section has effect subject to any modification specified in the provision under which the notice is given.

Privacy Notice

We will use the information provided by you to process your demolition application. The basis under which the Council uses your personal data is that you have given your consent. The Data Controller is Gedling Borough Council, our Data Protection Officer is Francesca Whyley who can be contacted Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU or by email at dataprotectionofficer@gedling.gov.uk. Further information including how long we retain your data, who we share with and your rights can be found at <http://www.gedling.gov.uk/development-services-pn/>