

Jersey Law 14/1956

**PUBLIC HEALTH (CONTROL OF BUILDING) (JERSEY) LAW,
1956.**

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A LAW to make better provision for the making and enforcement of building bye-laws, sanctioned by Order of Her Majesty in Council of the

1st day of JUNE, 1956.

(Registered on the 23rd day of June, 1956).

STATES OF JERSEY.

The 16th day of February, 1956.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

ARTICLE 1

INTERPRETATION

(1) In this Law, unless the context otherwise requires –

“building bye-laws” has the meaning assigned thereto in Article 2;

“cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

“closet” includes privy;

“the Committee” means the Public Health Committee;¹

¹ Functions transferred to the Island Development Committee by Act of the States dated 27th July, 1962 (R. & O. 4377)

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“drain” means a drain used for the drainage of one building or of buildings and yards appurtenant to buildings within the same corpus-fundi;

“private sewer” means a sewer which is not a public sewer;

“public sewer” has the same meaning as “égout public” in the “Loi (1937) sur les égouts”, as amended;²

“sanitary conveniences” means closets and urinals;

“sewer” has the same meaning as in the Sewerage (Amendment) (Jersey) Law, 1953.³

(2) For the purposes of this Law and, so far as building bye-laws may provide, for the purposes of those bye-laws, any of the following operations shall be deemed to be the erection of a building, that is to say –

- (i) the re-erection of any building or part of a building when an outer wall of that building or, as the case may be, that part of a building has been pulled down, or burnt down, to within ten feet of the surface of the ground adjoining the lowest storey of the building or of that part of the building;
- (ii) the re-erection of any frame building or part of a frame building when that building or part of a building has been so far pulled down, or burnt down, as to leave only the framework of the lowest storey of the building or of that part of the building;
- (iii) the roofing over of any open space between walls or buildings;

and the word “erect” shall be construed accordingly.

² Tome VII, page 219.

³ Page 309 of this Tome.

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(3) Any reference in this Law to plans deposited in accordance with building bye-laws shall be construed as including a reference to any sections, specifications and written particulars deposited with the plans in accordance with the bye-laws.

(4) For the purposes of this Law, there shall be deemed to be a material change in the purposes for which a building, or a part of a building, is used if –

- (a) a building, or a part of a building being a building or part which was not originally constructed for occupation as a house, or which, though so constructed, has been appropriated to other purposes, becomes used as a house; or
- (b) a building, or a part of a building, being a building or part which was originally constructed for occupation as a house by one family only, becomes occupied by two or more families; or
- (c) where building bye-laws contain special provisions with respect to buildings used for any particular purpose, a building or a part of a building, being a building or part not previously used for that purpose, becomes so used.

ARTICLE 2

BYE-LAWS AS TO BUILDINGS AND SANITATION

(1) The Committee may make bye-laws (in this Law referred to as “building bye-laws”) for regulating all or any of the following matters –

- (a) as regards buildings –
 - (i) the construction of buildings and the materials to be used in the construction of buildings;

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- (ii) the space about buildings, the lighting and ventilation of buildings and the dimensions of rooms intended for human habitation;
 - (iii) the height of buildings, the height of chimneys, not being separate buildings, above the roof of the building of which they form part;
- (b) as regards works and fittings –
- (i) sanitary conveniences in connexion with buildings, the drainage of buildings, including the means for conveying refuse water and water from roofs and from yards appurtunant to buildings, cesspools and other means for the reception or disposal of foul matter in connexion with buildings;
 - (ii) ash-pits in connexion with buildings;
 - (iii) wells, tanks and cisterns for the supply of water for human consumption in connexion with buildings;
 - (iv) stoves and other fittings in buildings (not being electric stoves or fittings), in so far as bye-laws with respect to such matters are required for the purposes of health and the prevention of fire;
 - (v) private sewers, communications between drains and sewers and between sewers.
- (2) Bye-laws made under this Article may include provisions as to –
- (a) the giving of notices and the deposit of plans, sections, and specifications and written particulars; and
 - (b) the inspection of work, the testing of drains and sewers, and the taking by the Committee of samples of materials to

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be used in the construction of buildings or in the execution of other works.

(3) Bye-laws made under this Article may require that plans and other documents to be deposited in pursuance of the bye-laws shall be deposited in triplicate and, if the bye-laws contain such a requirement, the Committee may retain one copy of any plans or other documents so deposited whether or not the plans are passed.

(4) Bye-laws made under this Article shall be laid before the States as soon as may be after they are made, and if the States, within the period of twenty-one days beginning with the day on which any such bye-laws are laid before them, resolve that they be annulled, they shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new bye-laws.

(5) The Greffier of the States shall cause bye-laws made under this Article to be printed and shall cause to be published in two newspapers circulating in the Island, one being a publication in French and the other a publication in English,⁴ a notice stating that the bye-laws have been made, the date of the coming into force thereof and the place at which printed copies thereof may be purchased.

ARTICLE 3

APPLICATION OF CERTAIN BYE-LAWS TO EXISTING BUILDINGS

Building bye-laws under sub-paragraph (a) of paragraph (1) of Article 2 of this Law may be made with respect to –

- (a) structural alterations or extensions of buildings and buildings so far as affected by alterations or extensions;
- (b) buildings or parts of buildings in cases where any material change takes place in the purposes for which a building, or, as the case may be, a part of a building, is used.

⁴ See Official Publications (Jersey) Law, 1960 – Article 2.

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ARTICLE 4

LIMITATION ON APPLICATION OF BUILDING BYE-LAWS

Building bye-laws shall not apply to buildings erected or in which structural alterations are made or which are extended or the use of which is materially changed, as the case may be, before the coming into operation of the building bye-laws or when plans of the proposed work or written particulars of the proposed change of use have been deposited with, and passed by, the Committee before the building bye-laws were made.

ARTICLE 5

PASSING OR REJECTION OF PLANS

(1) Subject to the provisions of Article 7 of this Law, where plans of any proposed work are, in accordance with building bye-laws, deposited with the Committee, the Committee shall pass the plans, unless they either are defective, or show that the proposed work would contravene any of those bye-laws or would impede the efficient working of the public sewage system or any other public service, or would constitute a danger to persons resorting to the building in relation to which the work is proposed or that the use of such building for the purposes for which it is intended to be used would be prejudicial to health.

(2) The Committee may, instead of rejecting any plans, pass the plans subject to such requirements as it may think fit.

(3) Where the Committee considers that the operation of any building bye-law would be unreasonable in relation to any particular case, it may relax the requirements of the bye-law or dispense with compliance therewith.

(4) The Committee shall give notice to the person by whom or on whose behalf any plans were deposited, whether or not they

are passed, and a notice of rejection shall specify the reasons for the rejection of the plans.

ARTICLE 6

POWER TO REQUIRE REMOVAL OR ALTERATION OF WORK

(1) If any work to which building bye-laws are applicable is executed either without plans having been passed by the Committee under Article 5 of this Law or otherwise than in accordance with the plans as so passed and those bye-laws, or otherwise than in accordance with any requirements subject to which the plans were passed, the Committee may, whether or not proceedings are taken in respect of a contravention of Article 9 of this Law, by notice require the owner either to pull down or remove the work or, if he so elects, to comply with any other requirements specified in the notice, being requirements subject to which the plans might have been passed.

(2) If a person on whom a notice has been served under this Article fails to comply with the notice within such period (not being less than twenty-eight days from the service thereof) as may be specified therein, the Committee may pull down or remove the work in question, or effect such alterations therein as it deems necessary, and the expenses reasonably incurred by the Committee in so doing shall be recoverable as a civil debt from the person in default.

ARTICLE 7

SPECIAL PROVISIONS AS TO BUILDINGS CONSTRUCTED OF MATERIALS WHICH ARE SHORT-LIVED, OR OTHERWISE UNSUITABLE FOR USE IN PERMANENT BUILDINGS

(1) Where plans of a building are, in accordance with building bye-laws, deposited with the Committee, and the plans show that it is proposed to construct a building of materials to which this Article applies, or to place or assemble on the site a building constructed

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of such materials, the Committee may, notwithstanding that the plans conform with the bye-laws –

- (a) reject the plans; or
- (b) in passing the plans fix a period on the expiration of which the building must be removed and impose with respect to the use of the building such reasonable conditions, if any, as having regard to the nature of the materials used in its construction it deems appropriate.

(2) If a building in respect of which plans ought under the building bye-laws to have been deposited, but have not been deposited, appears to the Committee to be constructed of such materials as aforesaid, the Committee, whether or not proceedings are taken in respect of a contravention of Article 9 of this Law, may fix a period on the expiration of which the building must be removed and, if it thinks fit, impose such conditions with respect to the use of the building as might have been imposed under paragraph (1) of this Article upon the passing of plans for the building and, where it fixes such a period, shall forthwith give notice thereof, and of any conditions imposed, to the owner of the building.

(3) The Committee may from time to time extend any period fixed, or vary any conditions imposed, under this Article:

Provided that, unless an application in that behalf is made by the owner of the building in question, the Committee shall not exercise its power of varying conditions except when granting an extension, or further extension, of the period fixed with respect to the building.

(4) The owner of any building in respect of which a period has been fixed under this Article shall, on the expiration of that period or, as the case may be, of that period as extended, remove the building, and, if he fails to do so, the Committee shall remove it and may recover from him the expenses reasonably incurred in so doing, and, without prejudice to the right of the Committee to exercise that power, he shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five

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pounds for each day during which the building is allowed to remain after the conviction.

(5) A person who uses a building in contravention of any condition imposed under this Article, or who permits a building to be so used, shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

(6) The provisions of this Article shall apply in relation to any extension of an existing building as they apply in relation to a new building.

(7) The materials to which this Article applies are such materials as may be specified in building bye-laws as being materials which are, in the absence of special care, liable to rapid deterioration, or are otherwise unsuitable for use in the construction of permanent buildings.

ARTICLE 8

RIGHT OF APPEAL

(1) Any person aggrieved by the decision of the Committee to reject plans under Article 5 or Article 7 of this Law or by any requirements subject to which plans have been passed or by any notice served under Article 6 of this Law or by the action of the Committee in fixing or refusing to extend any period, or in imposing or refusing to vary any conditions, under Article 6 of this Law, may appeal to the Royal Court either in term or in vacation, in the case of the service of a notice within the period specified in the notice as the period within which the requirements of the notice are to be complied with, and in any other case within two months of the notification of the decision of the Committee in the matter, on the ground that the decision of the Committee was unreasonable having regard to all the circumstances of the case:

Provided that no appeal shall lie in the case of a notice served under Article 6 or Article 7 of this Law where the work to which the

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notice relates has been determined in any proceedings to have been done in contravention of Article 9 of this Law.

(2) Where an appeal under this Article is brought against a notice served under Article 6 of this Law, paragraph (2) of the said Article 6 shall not apply unless the appeal is abandoned or dismissed, and shall, in that case, have effect as if for the reference therein to the period specified in the notice there were substituted a reference to twenty-eight days from the date on which the appeal was abandoned or dismissed.

ARTICLE 9

PENALTY FOR CARRYING OUT UNAUTHORISED WORK

If any person carries out or causes to be carried out any work to which building bye-laws are applicable and in respect of which plans have not been passed by the Committee under Article 5 of this Law or otherwise than in accordance with the plans as so passed and those bye-laws, or otherwise than in accordance with any requirements subject to which the plans have been passed, he shall be liable to a fine not exceeding one hundred pounds and in the case of a continuing offence to a further fine not exceeding forty shillings for each day during which the offence continues after conviction thereof.

ARTICLE 10

POWER TO ENTER PREMISES

(1) Any officer generally or specially authorized in writing in that behalf by the Committee (in this Article referred to as an “inspector”) shall be entitled at all reasonable times, subject to the production by him if so required of evidence of his authority, to enter and inspect any premises –

- (a) for the purpose of ascertaining whether there is or has been, on or in connexion with the premises, any contravention of the provisions of this Law or of any building bye-laws;

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- (b) generally for the purpose of the performance by the Committee of its functions under this Law or any building bye-laws:

Provided that admission to any premises used only as a private dwelling house shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (2) If the Bailiff is satisfied by information on oath –
- (a) that admission to any premises has been refused, or that refusal is anticipated, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid;

the Bailiff may grant a warrant to an inspector authorizing him to enter the premises, if need be by force:

Provided that such a warrant shall not be granted on the ground that admission to any premises has been refused, or that refusal is anticipated, unless the Bailiff is satisfied that notice of the intention to apply for a warrant has been given to the occupier.

(3) Any inspector entering any premises by virtue of this Article, or of a warrant granted thereunder, may take with him such other persons as may be necessary, and, on leaving any unoccupied premises which he has entered by virtue of such a warrant, shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant granted under this Article shall continue in force until the purpose for which the entry is necessary has been satisfied.

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(5) In this Article, “officer” has the same meaning as in the Civil Service Administration (Jersey) Law, 1953.⁶

ARTICLE 11

PENALTY FOR OBSTRUCTING EXECUTION OF LAW

A person who wilfully obstructs any person acting in the execution of this Law or of any building bye-law or of any warrant granted under this Law shall be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction thereof.

ARTICLE 12

NOTICES

Any notice required or authorized to be sent or served under or for the purposes of this Law may be sent or served either –

- (a) by delivering it to the person to or on whom it is to be sent or served; or
- (b) by leaving it at the usual or last-known place of abode of that person; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last-known place of abode; or
- (d) in the case of a body corporate or unincorporate, by delivering it to the secretary or clerk of the body at its registered or principal office or by sending it in a prepaid letter addressed to the secretary or clerk of the body at that office; or

⁶ Page 319 of this Tome.

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- (e) if it is not practicable after reasonable inquiry to ascertain the name and address of an owner or occupier of premises on whom it should be served, or if the premises are unoccupied or the name of the owner or occupier is not known, by addressing it to him by the description of “owner” or “occupier” of the premises (naming them) to which it relates and by delivering it to some person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

ARTICLE 13

REPEAL

Articles 2A, 3, 4 and 5 of the “Loi (1934) sur la Santé Publique”,⁸ as amended,⁹ are hereby repealed, but without prejudice to anything lawfully done thereunder.

ARTICLE 14

SHORT TITLE AND COMMENCEMENT

(1) This Law may be cited as the Public Health (Control of Building) (Jersey) Law, 1956.

(2) This Law shall come into force on the day on which the first bye-laws made under this Law come into force.¹⁰

To be printed, published and posted.

F. DE L. BOIS,

Greffier of the States.

⁸ Volume 1933–1936, page 221.

⁹ Volume 1946–1948, pages 566 to 568.

¹⁰ 1st January, 1961 – (R. & O. 4148).