

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER B65

BUILDING ACT

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BUILDING ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Application
3. Building Board to be established
4. General duties and powers of Board
5. Board with consent of Governor in Council may relax requirements of regulations
6. Power to require removal or alteration of work not in conformity with regulations
7. Inspection of premises
8. Appeal from decision of Board
9. Regulations
10. Offences under Act
11. Offences under regulations
12. How complaints or suits entered or prosecuted
13. Citation

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BUILDING ACT

Interpretation

1. In this Act—

"building" includes any permanent structure whatsoever;

"regulations" means regulations made under this Act;

"work" includes work in relation to the erection, re-erection, removal or external structural alteration of a building.

Application

2. This Act and the regulations apply to all places and areas within Anguilla.

Building Board to be established

3. (1) The Governor may appoint by writing under his hand a Building Board (in this Act called the "Board") for the purposes of carrying out the provisions of this Act.

(2) Any Board appointed as aforesaid shall be empowered to act throughout Anguilla.

(3) The Board shall consist of a chairman and a vice-chairman who shall both be officers in the service of the Government of Anguilla and 4 other members appointed by the Governor.

(4) The vice-chairman shall act as chairman at any meeting of the Board from which the chairman is absent and in the absence of both the chairman and the vice-chairman from any meeting

of the Board the members of the Board present at such meeting may appoint one from among themselves to act as chairman for the meeting.

(5) The appointment of any member of the Board may be terminated at any time by the Governor.

(6) The Board may regulate their own procedure, subject to the provisions of this Act and the regulations.

(7) The quorum of the Board shall be the chairman or the vice-chairman or the member appointed to act as chairman for a meeting and 2 other members, but subject thereto the Board may act notwithstanding any vacancy in their number.

(8) The chairman shall have an original vote and in the case of an equal division of votes on any question before the Board, he shall have a second or casting vote.

(9) The Governor may appoint a clerk to the Board.

General duties and powers of Board

4. The Board shall be charged with the administration within the place or area for which the Board is appointed, of the provisions of this Act and of any regulations made under the provisions of this Act and, subject to the provisions of this Act and the regulations, shall have power to determine applications made in respect of any work, having regard to all circumstances affecting the fitness of the site and the proposed work.

Board with consent of Governor in Council may relax requirements of regulations

5. Where the Board consider that the operation of any regulations would be unreasonable in relation to any particular case, they may with the consent of the Governor in Council relax the requirements of such regulations or dispense with compliance therewith, but the Board shall give notice of any such proposed relaxation or dispensation in such manner and to such persons, if any, as the Governor in Council shall direct, and the Governor in Council shall not give his consent before the expiration of 1 month from the giving of the notice and, before giving his consent, shall take into consideration any objection which may have been received by him.

Power to require removal or alteration of work not in conformity with regulations

6. (1) If any work to which the regulations are applicable contravenes any of the provisions of the regulations, the Board, without prejudice to their right to take proceedings for a fine in respect of the contravention, may by notice require the owner or in his absence his agent either to pull down or remove the work or, if he so elects, to effect such alterations therein as may be necessary to make it comply with the regulations.

(2) If a person to whom a notice has been given under the provisions of this section fails to comply with the notice before the expiration of 28 days, or such longer period as a court of summary jurisdiction may on his application allow, the Board may pull down or remove the work in question, or effect such alterations therein as they deem necessary, and may recover from such person the expenses reasonably incurred by them in so doing.

(3) No such notice as is mentioned in subsection (1) shall be given after the expiration of 12 months from the date of the completion of the work in question.

(4) Nothing in this section shall affect the right of the Board, or of the Attorney General, or any other person, to apply for an injunction for the removal or alteration of any work on the ground that it contravenes the regulations.

Inspection of premises

7. It shall be lawful for the Board or any member thereof or any person authorized in writing by the Board to inspect any work to which this Act applies between the hours of 9:00 a.m. and 6:00 p.m. of any working day.

Appeal from decision of Board

8. (1) Any person aggrieved by a decision of the Board may appeal therefrom to a Judge of the High Court by way of Summons in Chambers within 15 days from the date of such decision and shall serve a notice on the Board of his intention to appeal against such decision, but, notwithstanding the lapse of such period of 15 days, any person may appeal against the decision if he shows to the satisfaction of a Judge that owing to absence from Anguilla, sickness or other reasonable cause, he was prevented from appealing within such period, and that there has been no unreasonable delay on his part.

(2) On receipt of the aforesaid notice, the Board shall without delay transmit to the Registrar all papers relating to such appeal.

(3) Seven clear days' notice shall be given by the Registrar to the Board of the date fixed for the hearing of the appeal.

(4) The Judge may adjourn the hearing of the appeal and may upon the hearing thereof confirm, reverse or modify the decision of the Board or make such other order in the matter as he may think just.

(5) The costs of the appeal shall be in the discretion of the Judge hearing the appeal and shall be a sum fixed by the Judge.

Regulations

9. The Governor in Council may make regulations with respect to—

(a) the procedure of the Board;

(b) applications to the Board for the approval of any work, together with any fees that may be levied on such applications;

(c) the construction, siting, layout, design, drainage, sanitation, and removal of buildings;

(d) the supply of water and electricity to buildings;

(e) any other matter for the better direction, control and carrying out of the objects, purposes and provisions of this Act.

Offences under Act

10. Any person who obstructs or impedes in the execution of his duty any other person duly authorized to inspect any work or to enter thereupon for the purposes of demolition and removal is

guilty of an offence and is liable on summary conviction to a fine of $1,920 or to imprisonment for a term of 3 months.

Offences under regulations

11. Any person who commits an offence against the regulations is liable on summary conviction to a fine of $960 or to imprisonment for a term of 2 months.

How complaints or suits entered or prosecuted

12. All complaints or suits at law brought by the Board may be entered and prosecuted by and in the name of the clerk thereof or in the name of any person duly authorised in writing by the Board.

Citation

13. This Act may be cited as the Building Act, Revised Statutes of Anguilla, Chapter B65.

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