



LAWS OF SARAWAK

ONLINE VERSION OF UPDATED TEXT OF REPRINT

Chapter 8

BUILDINGS ORDINANCE, 1994

Incorporating all amendments up to 31st May, 2008

PREPARED AND PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, SARAWAK
UNDER THE AUTHORITY OF THE REVISION OF LAWS ORDINANCE, 1992
2008

BUILDINGS ORDINANCE, 1994

Date Passed by Dewan Undangan Negeri	26th May, 1994
Date of Assent	3rd June, 1994
Date of Publication in <i>Gazette</i> ...	30th June, 1994

1st Reprint in 2007

Sarawak LawNet

LAWS OF SARAWAK

Chapter 8

BUILDINGS ORDINANCE, 1994

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LAWS OF SARAWAK**Chapter 8****BUILDINGS ORDINANCE, 1994**

An Ordinance to amend and consolidate and to make further provisions concerning the laws relating to building in the State, and for purposes connected therewith.

[1st October 1994]

[See 1st Schedule, p. 92 also]

Enacted by the Legislature of Sarawak—

PART I**PRELIMINARY****Short title, commencement and application**

1.—(1) This Ordinance may be cited as the Buildings Ordinance, 1994, and, subject to subsection (1A), shall to the extent specified in the third column of the First Schedule come into operation in the areas specified in the first column of the said Schedule on the dates specified in the corresponding part of the second column of the said Schedule.

(1A) Sections 27A and 27B shall apply throughout the State of Sarawak.

[Ins. Cap. A52.]

(2) The provisions of this Ordinance shall apply to any building other than those specified under subsection (3).

(3) This Ordinance shall not apply to—

(a) any building of the class referred to in the Second Schedule;

(b) any movable dwelling (including any tent, van or other conveyance, whether on wheels or not, and any shed or similar structure) if such dwelling is used only temporarily or intermittently for human habitation;

(c) any building or part thereof, which is, with the approval of the local authority, used for the purpose of such experiment or research as may be approved by that local authority;

(d) subject to section 10, any existing building which does not fall within the classification specified in section 66, so long as no extension or alteration or change in the use thereof is made thereto and so long as the building does not become a dangerous building; or

(e) any building or class of building or building works exempted by the Yang di-Pertua Negeri under section 63.

Interpretation

2.—(1) In this Ordinance—

“advertisement hoarding” means any frame, hoarding, board, wall, bar, pillar, post, wire, or any combination of these, or any erection of any kind, or any surface or space used for the display of trade, business or professional advertisements;

“aggregate” means any material other than cement and water used in the making of concrete which does not contain additions or admixtures;

“air-well” means an open courtyard in a building for the purpose of light and ventilation;

“alterations” includes renovations, additions and extensions;

“approval plan” means a plan for a building approved by the local authority in accordance with this Ordinance;

“approved” means approved by any person or body whose approval is required by this Ordinance or any bylaws made hereunder;

“arcade” includes verandah;

“architect” means any person who is registered as an architect under any written law for the time being in force in the State relating to the registration of architects and who under that law is allowed to practise or carry on business as an architect;

“ASHRAE” means the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc.;

“balcony” means any stage, platform, oriel window or other similar structure projecting outwards from the wall of a building and supported by brackets or cantilevered;

“base”, in relation to a wall or pier, means—

(a) the underside of the course immediately above the footings, if any, or in the case of a wall carried by a beam, above the beam; and

(b) in any other case, the bottom of such wall or pier;

“basement” means any storey or storeys of a building which is or are at a level lower than the ground storey;

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and also any wall, fence, platform, septic tank, underground tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage, swimming pool, bridge, railway lines, transmission lines or tower, cables, rediffusion lines, overhead or underground pipelines, or any other structure, support or foundation;

[Am. Cap. A52.]

“building line” means the line prescribed by the competent planning authority beyond which no part of a building may project, except as otherwise permitted by this Ordinance;

“business premises” means any building or part thereof designed, adapted or used for the carrying of any business or profession but does not include government schools or hospitals, godowns or factories;

*“BS” means the latest published edition of the British Standard Specification;

*“BSCP” means the latest published edition of the British Standard Code of Practice;

“ceiling” means the covering to the underside of floor joists or ceiling joists or floor slabs excluding in all cases any supporting beams, and where no such covering exists means the underside of floor joists or roof cellars or ties excluding any supporting beams;

“Chief Inspector of Buildings” means the person appointed under section 27A to advise the Government on the safety of buildings and to assist local authorities on the exercise of their powers under this Ordinance, and includes a Deputy Chief Inspector of Buildings;

[Ins. Cap. A52.]

* The British Standards and Code of Practice referred to in this Ordinance refer to the latest current edition. In the event that a new BS or Code of Practice is being issued, which replaces the existing BS or Code of Practice completely, a time frame of at least two years from the date of publication of the document will be allowed for the current BS or Code of Practice to be used before switching completely to the new standard.

“column” means any part of construction which will by its resistance to compression in the direction of its length and to the bending actions induced by such compression, support and transmit loading;

[Sub. Cap. A52.]

“Competent planning authority” means the State Planning Authority established under Part X of the Land Code *[Cap. 81 (1958 Ed.)]* or such person or body to whom the powers and functions of that Authority have been delegated;

“Court” means a Magistrate Court of competent jurisdiction;

“dead load” means the static weight of all walls, partitions, floors, roofs and finishes, including all other permanent construction;

“depth”, in respect of a building, means the measured distance between the front line of the building and the back line of the rear main wall which separates the main building from the open space;

“detached building” means any building not attached to any other buildings;

“developer” means any person, body of persons, company, firm or society who or which engages in or carries on or undertakes the business of development of buildings or providing moneys for development or purchasing or partly developing and providing moneys for purchasing buildings;

“dwelling house” includes a building or tenement wholly or principally used, constructed or adapted for use for human habitation;

“earthworks” includes any act of excavation, levelling, filling with any material on any land, or the removal or transport of rock materials therefrom, or any act (including piling and foundation works carried out during construction) which alters in any manner the topography, contour, level or features of any land;

[Inst. Cap. A52.]

“engineer” means a person who is registered as a professional engineer under any written law for the time being in force in the State relating to the registration of engineers and who under the law is allowed to practise or carry on the business of a professional engineer;

“external wall” means an outer wall of a building not being a party wall notwithstanding that it may immediately adjoin a wall of another building;

“factory” means any building or part thereof designed, adapted or used for—

(a) the making of any article or part of any article, commodity or product;

(b) the altering, repairing, ornamenting, finishing, cleaning, washing or the breaking up or demolition of any article, commodity or product;

(c) the adapting for sale or assembly of any article, commodity or product; or

(d) any other building as defined in the Factories and Machinery Act 1976 [*Act 139*];

“fire wall” means any wall, not being a party or external wall, of materials having the fire resistance as required under Part VI of the Building Bylaws specified in the Fourth Schedule and either used or constructed to be used for the separation of adjoining buildings or the separation of parts of a building in such manner as to prevent or reduce the spreading of fire from one building to another or from one part of a building to another part of that building and includes a proscenium wall, compartment wall, separating wall and a protecting structure;

“flat” means any separate dwelling used or constructed or adapted to be used wholly or principally for human habitation as a single dwelling unit where the kitchen, lavatory and bathroom or water-closet are contained within the separate dwelling and that dwelling is contained within a building comprising two or more such dwellings joined vertically;

“flat roof” means any roof having no inclination or having an inclination of not more than seven and one half degrees with the horizontal;

“flood level” means such flood level as may be prescribed for any area by the local authority;

“floor” includes any horizontal platform forming the surface of any storey and any joist, board, timber, stone, concrete, steel or other substance connected with or forming part of such platform;

“footing” means the construction whereby the weight of the structure of the building is transferred from the base structure to the foundations;

“footway” includes footpaths or verandah-ways at the sides of streets;

“foundation” means a system or arrangement of foundation units as footing, raft or pile through which loads from a building or structure are transferred to the supporting soil or rock;

“garage”, for purposes of this Ordinance, means a building or part thereof designed, adapted or used for the housing of a motor vehicle;

“godown” means any building or part thereof designed, adapted or used for storage purposes but does not include any garage ancillary to a residential building;

“ground storey” means the lowest storey of a building not more than 1.2 metres below ground level to which there is an entrance from the outside on or above the level of the ground at the front of the building;

“habitable room” means any room not less than 6.5 square metres in area excluding any bathroom, water-closet, open verandah, terrace or garage;

“hardwood timber”, for the purpose of this Ordinance, includes Belian, Selangan, Giam, Kapur Bukit, Keruing, Semayor, Alan Batu, or any similar heavy hardwood timber classified as such by the Forests Department;

“headroom” means the clear vertical distance between the finished floor level and the soffit of the lowest projecting member or surface above that point;

“height”, in relation to—

(a) a room means the vertical distance measured between the finished floor level and the underside of the ceiling excluding the thickness of the plaster;

(b) any storey means the vertical distance measured between the upper surface of its floor to the upper surface of the floor immediately above it;

(c) a wall means the vertical distance measured from the base of the wall to its highest part or, in the case of a gable, to half the height of the gable;

“hospital” means any building or part thereof designed, adapted or used for the care, accommodation or treatment of the sick, infirm, aged, convalescent or pregnant;

“hotel” means any building specifically designed and constructed or substantially adapted to be used to accommodate persons for the purpose of gain or profit, with or without arrangements for food services, and includes a boarding house, lodging house or guest house;

“house” includes dwelling house, warehouse, office, counting-house, shop, school, and any other building in which persons are employed;

“imposed load” means the load assumed to be produced by the intended occupancy or use including distributed, concentrated impact and inertia loads but excluding wind loads;

“lateral support”, in relation to a wall or pier, means such support in the direction of the thickness, length or breadth of the wall or pier which prevents movement thereof at the level and in line of direction of such support;

“intel” means a beam supporting walling over an opening or recess;

“load bearing”, in relation to any part of a building including its foundations, means that part of the building which bears a load other than that due to its own weight and to wind pressure on its own surface;

“local authority” means—

(a) in respect of any local authority area, a local authority constituted under the Local Authorities Ordinance, 1996 [*Cap. 20*] for such area;

(b) in relation to the Bintulu District, the Bintulu Development Authority established under the Lembaga Kemajuan Bintulu (Bintulu Development Authority) Ordinance, 1978 [*Ord. No. 1/78*];

(c) in relation to the City of Kuching North, the Commission of the City of Kuching North appointed under section 4(2) of the City of Kuching North Ordinance, 1988 [*Cap. 49*]; or

(d) in relation to the City of Kuching South, the Council of the City of Kuching deemed established under section 3 of the Local Authorities Ordinance, 1996 [*Cap. 20*];

“low lying land” means any land of which the surface is below flood level or which is so situated that it cannot at all times be efficiently drained by gravitation into an existing public surface water drain or water course;

“maisonette” means any apartment of two levels or a dwelling unit which is part of a multiple block of dwelling units having not less than two interconnecting levels;

“mesh”, in relation to the measurement of materials, means the mesh of a sieve complying with BS 410 - Test Sieves;

“mezzanine floor” means any floor interposed between the main floors of a building and includes any platform or landing of greater than 2.5 metres width;

“Minister”, unless the provisions of this Ordinance stipulate otherwise, shall mean the Minister for the time being having responsibilities over local authorities in Sarawak;

“MS” means the latest published edition of the Malaysian Standard;

“MSCP” means the latest published edition of the Malaysian Standard Code of Practice;

“nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or likely to be injurious or dangerous to health or property;

“occupation permit, temporary occupation permit and partial occupation permit” mean such permits given or granted under the Building Bylaws contained in the Fourth Schedule;

[Inst. Cap. A52.]

“occupier” means the person in actual occupation of the land or building in respect of which the word is used, or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“Ordinance” includes any subsidiary legislation made hereunder;

“out-building” means that part of a building not including a car porch, terrace or balcony permitted to be erected outside the building line;

“owner”—

(a) in relation to any land or building, means the registered proprietor of the land as defined in the Land Code [*Cap. 81 (1958 Ed.)*] and, if in the opinion of the local authority the registered proprietor of the land cannot be traced, the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the same if such premises were let to a tenant; and

(b) in the case of subdivided buildings, includes the management corporation and any subsidiary proprietor: the expressions “management corporation” and “subsidiary proprietor” shall have the meanings assigned to them in the Strata Titles Ordinance, 1995 [*Cap. 18*];

“panel wall” means a non-load bearing wall set within a structural frame;

“partition” means any internal wall not being a party or an external wall;

“party wall” means a wall forming part of a building and used or constructed to be used for separation of adjoining buildings belonging to different owners or occupied or constructed or adapted to be occupied by different persons either constructed over or abutting a common boundary;

“pitched roof” means a roof having an inclination of more than seven and one-half degrees with the horizontal;

“a place of public resort” means a building, or a defined or enclosed place used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling house so used, or as a cinema, theatre, public hall, concert room, public ballroom, public lecture room, or public exhibition room, restaurant, night club, terminus, or shopping arcade, or as a public place of assembly for persons admitted thereto by tickets or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

“prestressed concrete” means concrete in which predetermined stresses are induced to counteract the stresses due to dead and superimposed loading for the purpose of eliminating or decreasing the tensile stresses due to bending and shear;

“private connection pipe” shall have the same meaning as assigned to it under section 2 of the Sewerage Services Act 1993 [*Act 508*];

“qualified person” means any registered architect, registered building draughtsman, registered engineer or any person holding such qualifications as may be approved by the local authority;

“registered building draughtsman”, for the purpose of this Ordinance, means any building draughtsman who is registered under Part V of the Architects Act 1967 [*Act 117*];

“residential building” means a building or part thereof designed, adapted or used for human habitation;

“rock materials” shall have the same meaning assigned to that expression by the Land Code [*Cap. 81 (1958 Ed)*];

[*Ins. Cap. A52.*]

“room” means any portion of a building enclosed by walls or partitions;

“school” means any building or part thereof designed, adapted or used for the dissemination of knowledge and includes a creche;

“self-closing door” means a door fitted with a device which is free from any means of holding it in an open position and which will close automatically unless held open by other approved means;

“semi-detached building” means any building designed to be built as one pair having a party wall as one of its walls;

“sewer” shall have the same meaning as assigned to it under section 2 of the Sewerage Services Act 1993 [*Act 508*];

“sewerage system” shall have the same meaning as assigned to it under section 2 of the Sewerage Services Act 1993 [*Act 508*];

“shophouse” means any building or part thereof which is designed, adapted or used for business purposes;

“SIRIM” means the Standards and Industrial Research Institutions of Malaysia;

“sky-sign” means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs or surrounding buildings from any street or public place;

“smoke stop door” means a door or pair of doors which when fitted in a frame satisfies the requirements of section 7 of BS 476, Part 8: 1972 as to freedom from collapse for not less than 30 minutes and is resistant to the passage of flame and hot gases for not less than 20 minutes and which is fitted with minimum practicable clearance between the leaf and frame;

“storey” means the space between the upper surface of every floor and the surface of the floor next above it, or if there be no such floor then the underside of the tie or collar beam of the roof or other covering or if there be neither tie nor collar beam then the level of half the vertical height of the underside of the rafters or other support of the roof;

“street” includes any road, square, footway or passage, service road, whether a thorough-fare or not, over which the public have a right of way, and also the way over any bridge, and also includes any road, back-lane, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public have a right of way over it or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of such street;

“street works” includes work of sewerage, levelling, paving, metalling, flagging, kerbing, channelling, draining, lighting, laying of water, gas or electricity services and otherwise the making good a street or part of a street;

“structural elements” means those parts or elements of a building which resist forces and movements, and includes foundations, beams, columns, shear cores, slabs, roof trusses, staircases, load bearing walls and all other elements designed to resist forces and movements, but excludes doors, windows and nonload bearing walls;

[Ins. Cap. A52.]

“structural plan” means a plan relating to structural elements;

[Ins. Cap. A52.]

“submitting person” means a qualified person who submits plans to the relevant authority for approval;

“swimming pool” means any pool or bath planned, designed and constructed for the purpose of swimming;

“temporary building” includes any building constructed wholly or in part of 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, and may include any house or building the erection of which is permitted under licence issued by the local authority for a limited period to be specified upon the expiration of which the building shall be demolished;

“terrace house” means any residential building designed as a single dwelling unit and forming part of a row or terrace of not less than three such residential buildings;

“verandah-way” means *kaki-lima* or five-foot-way or a covered footway fronting a street;

“wind load” means all loads due to the effect of wind pressure or suction.

(2) In this Ordinance, a reference to the Yang di-Pertua Negeri shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or by a member thereof acting under the general authority of the Majlis.

(3) Any building which extends into the areas of two or more local authorities shall be treated for the purpose of this Ordinance as being wholly within the area of such one of those local authorities if one-half or more of the lot within whose area the building situated lies within the limit of that local authority.

PART II

PLANNING AND DEVELOPMENT CONTROL

Competent planning authority

3.—(1) The competent planning authority shall have the functions, powers and duties stipulated in Part X of the Land Code [*Cap. 81(1958 Ed.)*].

[*Sub. Cap. A52.*]

(2) No person shall erect any building unless approval in respect of the site plan has been granted by the competent planning authority under section 8(4).

(3) An appeal against—

(a) the direction of the local authority made under section 8(7) or (8) may be made to the appropriate Minister responsible for that authority; or

(b) the decision of the competent planning authority made under section 8(4) may be in accordance with rules made under section 248 of the Land Code,

within one month from the date of the communication of such direction or decision to him.

[Am. Cap. A52.]

(4) After hearing the appeal, the appropriate Minister responsible for that local authority or the Minister responsible for town and country planning, as the case may be, against whose direction or decision the appeal is made, may make an order—

(a) confirming the direction of the local authority or the decision of the competent planning authority, and dismissing the appeal;

(b) allowing the appeal by directing the local authority or the competent planning authority to grant approval to the building plan absolutely or subject to such conditions as the appropriate Minister thinks fit; or

(c) allowing the appeal by directing the local authority or the competent planning authority to remove or modify any condition subject to which the plan has been approved by the local authority or by the competent planning authority or to replace the condition with such other condition as the appropriate Minister thinks fit.

(5) The decision of any of the Ministers referred to in subsection (4) shall be final and shall not be subject to any appeal in any court.

Regular line of street may be prescribed

4.—(1) The competent planning authority may prescribe a line on each side of a public street within which, except under section 6, no portion of any building abutting on the said street shall, after such line has been prescribed, be constructed.

(2) A line so prescribed shall be called “the regular line of the street”.

Competent planning authority in certain cases may take possession of land within the regular line of street

5.—(1) When any building or any part of a building which lies within the regular line of the street falls down or is burned down or is taken down the competent planning authority may take possession of the portion of land within the regular line of the street that was occupied by the said building and, if necessary, clear the same.

(2) If any land, whether open or enclosed, lies within the regular line of the street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on a public street or a portion of a platform, verandah, step or other such structure is within the regular line of the street, the competent planning authority may, after giving to the owner of the land or building not less than fourteen clear days' notice in writing of its intention to do so, take possession of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or such other structure and, if necessary, clear the same.

Land taken to form part of street

(3) Land so taken possession of under this section shall be acquired by the Government at the request of the competent planning authority in accordance with the provisions of Part IV of the Land Code [*Cap. 81 (1958 Ed.)*] and when acquired shall be deemed to be part of the public street.

Projecting verandahs, etc., may be made in streets not less than 12 metres wide

6.—(1) The local authority may, with the concurrence of the competent planning authority give permission in writing to owners or occupiers of houses or buildings, other than a building to be issued with subsidiary titles under the Strata Titles Ordinance, 1995 [*Cap. 18*], fronting, adjoining or abutting on public street of not less than 12 metres in width to project open verandahs, balconies, sun shades, weather-frames and signboards and may, in granting such permission, impose any condition it thinks fit.

[*Am. Cap. A52.*]

(2) On breach of any such condition, the local authority may give the owner or occupier notice to comply with such condition and, if such condition is not complied with within thirty days, the owner or occupier shall be guilty of an offence: Penalty, a fine of one thousand ringgit, and the Court upon conviction of the owner or occupier shall, on the application of the local authority, make a mandatory order for the removal of such projection.

Penalty

(3) Any person who contravenes any of the conditions imposed under subsection (1) shall be guilty of an offence: Penalty, a fine of one thousand ringgit and shall also be liable to a further fine not exceeding two hundred and fifty ringgit for every day during which the offence is continued after a notice to remedy the contravention has been served upon the owner or occupier.

Determination of the amount to be deposited and the date of completion.

7.—(1) Where a person, who intends to commence any work for the erection of any new building, is required to execute street works under section 8, he shall unless exempted apply to the local authority for an order from the local authority specifying the amount required to be deposited for street works and the date on or before which such street works shall be completed.

(2) The person applying for such an order shall within fourteen days of service of the order on him deposit with the local authority the sum stated in the order or give the security.

(3) In making the order, the local authority shall have regard to the amount that would be expended by it, if it executed the street works under this Ordinance.

(4) Any person who is dissatisfied with such order shall, within ten days of the service of the order on him, appeal to the Minister whose decision thereon shall be final and shall not be subject to any appeal in any court.

Notice of new buildings

8.—(1) No person shall erect any building without the prior written permission of the local authority.

(2) Any person who intends to erect any building shall submit—

(a) to the local authority, such plans and specifications as may be required by any bylaw made under this Ordinance; and

(b) to any relevant authority, such plans and specifications in respect of fire safety measures, the sewerage system and septic tank for the building as may be required by any other written law.

(3) The local authority shall before determining any application under subsection (2) afford the competent planning authority for the area in which the land to which the application relates is situated an opportunity to make recommendations to the local authority as to the manner in which the application shall be determined, and the local authority shall take into account any such recommendations.

(4) The competent planning authority may, after considering a detailed site plan submitted to him, either approve it (in whole or in part and with or without modifications or reservations) or reject it.

(5) In considering any such plan, the competent planning authority may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him.

(6) No plans for the erection of a building shall be approved—

(a) if the building is to be erected on any holding abutting on or having access to any new street or proposed new street, until plans for such new street have been approved by the competent planning authority under the provisions of this Ordinance;

(b) before any deposit, required to be made under the provisions of section 7, has been made or unless such building or class of buildings have been exempted from the provisions of section 7 by the Yang di-Pertua Negeri under section 63(b);

(c) until they have been approved by the competent planning authority;

(d) unless provision is made in the plans for vehicle parking spaces in the proposed building or curtilage thereof or at an alternative site as may be required by the local authority under subsection (7)(p);

(e) if the building is to be erected on land or building lots which are subject to the Part X of the Land Code [*Cap. 81 (1958 Ed.)*], unless accompanied by a sub-divisional plan certified by the competent planning authority to the effect that he has approved such sub-division;

(f) until the plans and specifications as submitted in compliance with subsection (2)(b) have been approved; or

(g) before any other conditions which the local authority or the competent planning authority may deem necessary to impose have been complied with.

Local authority may give directions

(7) The local authority may upon receipt of the advice, direction or instruction of the competent planning authority give written directions to the person submitting a plan and specification with regard to any of the following particulars:

(a) compliance with this or any other written law;

(b) the site of any building and the space to be left about any building to secure free admission of light and circulation of air and to facilitate scavenging;

(c) the levels at which the foundation and lowest floor are to be laid;

(d) the raising of the level of the site to form a stable and healthy foundation and the materials to be used in raising the same;

(e) the elevation of the building;

(f) the setting forward or back of building to the regular line of street as defined in section 4;

(g) the class, design and appearance of the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;

(h) the provision of a sufficient and pure water supply within a reasonable distance of the building and the provision of adequate infrastructure for street lighting;

(i) the setting back of buildings to any building line as determined by the competent planning authority;

(j) the provision and construction of an arcade or paved footway for use of foot passengers along any portion of the building lot which abuts on a street;

(k) the size, height, spacing and materials of buildings;

(l) the location of buildings, the extent of the yards, garden and curtilage of buildings;

(m) the limit of the number of buildings or the number of specified class of buildings which may be constructed, erected on or made in, or under, any area;

(n) the prohibition or restriction of building operations permanently in any area on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health or excessive expenditure of public money in the provision of roads, water supply, electricity or other public services;

(o) the sites of new roads entering a road or the site of a proposed road or, where land is sub-divided, to the provision of part of such land for the purpose of widening the existing road;

(p) in the case of housing developers or the erection of any building intended to be used for purposes of business or industry, the provision and construction of car parks or any payment in lieu thereof:

Provided that no direction shall be made in pursuance of this subsection, with respect to any matters specified in sections 3, 4, and 5, until the competent planning authority has been consulted.

(8) The person to whom any written directions are given shall amend the plans and specifications accordingly, and re-submit, the amended plans and specifications or comply with any other directions within such period as the local authority may specify.

(9) Where such amended plans are not re-submitted within the specified period, or such extended period, they shall not be reconsidered and shall be deemed to have been withdrawn but he may submit fresh plans and specifications.

Buildings directed to be set forward

(10) Where a building is directed to be set forward to a regular line of street, it shall be a sufficient compliance with such direction if a wall or fence of such materials and dimensions as may be approved by the local authority is erected at a distance from the line sufficient to provide any arcade or footway which may be required under this Ordinance.

Compensation where building directed to be set back

(11) If the competent planning authority directs any person submitting the plan of a building to set such building back to a regular line of street, the competent planning authority may take possession of the land within the regular line of street and the land so taken possession of shall be acquired by the Government at the request of the competent planning authority in accordance with the provisions of Part IV of the Land Code [*Cap. 81 (1958 Ed.)*] and shall thenceforth be deemed a part of the public street.

Notice of commencement of building works

(12) No person shall commence the erection of a building unless—

- (a) such work is commenced within twelve (12) months from the date on which the plans and specifications of such building were approved by the local authority; and

(b) he has given the local authority four (4) clear days' notice in writing of his intention to commence such works.

(13) For the purposes of subsection (12)(a), "plans and specifications" means the plans and specifications originally approved by the local authority but does not include any amending plans or specifications subsequently approved by the local authority in connection therewith.

Effect of suspension of building works

(14) Where works on a building which have been commenced are suspended for a continuous period of more than three (3) months—

(a) the plans and specifications for such building shall be deemed to have been revoked by the local authority: Provided that the approval for such plans and specifications may be renewed by the local authority upon application by the owner of the building, upon such terms and conditions as the local authority may impose; and

(b) works on such a building shall not resume without the permission in writing of the local authority.

(15) Any person who makes any alteration to any building otherwise than is provided for in this Ordinance or without the prior written permission of the local authority shall be guilty of an offence: Penalty, a fine of one thousand ringgit and the Court before which a person is convicted for an offence under this subsection shall, on the application of the local authority, issue a mandatory order requiring such person to alter the building in any way or to demolish it.

(16) Any person who uses any building or part of a building for a purpose other than which it was originally constructed for without the prior written permission from the local authority shall be guilty of an offence: Penalty, a fine of one thousand ringgit and shall also be liable to a further fine of one hundred ringgit for every day during which the offence is continued after a notice to cease using for other purpose has been served on such person.

(17) Any person who—

(a) commences or resumes the erection of a building in contravention of subsection (12) or (14);

(b) deviates from any plan or specification approved by the local authority without the prior written permission of the local authority;

(c) erects a building in contravention of this Ordinance or of any of the bylaws made hereunder; or

(d) fails to comply with any lawful order or written direction of the local authority or with any term or condition attached by the local authority to any modification or waiver of any of the requirements of this Ordinance or any bylaws made hereunder relating to buildings,

shall be guilty of an offence: Penalty, a fine of two thousand ringgit and in the case of a continuing offence to imprisonment for one year and a fine of two hundred ringgit for every day during which the offence is continued after a notice requiring the person to comply with the provisions of this subsection has been served on such person.

(18) In any case where proceedings have not been instituted against any person who, by reason of failure to obtain prior permission from the local authority, has contravened subsection (17) such person shall on the submission of plans and specifications to the local authority in accordance with this Ordinance pay to the local authority a sum which shall be not less than five times but not exceeding twenty times the prescribed fees as the Yang di-Pertua Negeri may prescribe, and in the event of plans and specifications being submitted without such payment, the local authority shall refuse to accept the same.

(19) The Court before which a person is convicted for an offence under subsection (17) shall, on the application of the local authority or of a public officer authorized by the local authority in writing in that behalf, make a mandatory order requiring such person to alter in any way or demolish the building.

What constitutes erecting a building

(20) For the purposes of this section and of section 13 a person shall be deemed to erect a building who—

(a) begins work on the site thereof for or in respect of a new building;

(b) adds to or alters any existing building in such a manner as to involve—

(i) new foundations; or

(ii) new or partly new or increased superstructure or roof on existing walls or existing foundations;

(c) converts into a dwelling house any building not originally constructed for human habitation;

(d) converts into more than one dwelling house a building originally constructed as one dwelling house;

(e) converts to other purposes a house originally constructed as a dwelling house;

(f) departs either before or after the completion of the building in any particular form from any plan or specification approved by the local authority at any time in respect of such building;

(g) infringes the provisions of this Ordinance or any bylaws made hereunder relating to buildings;

(h) renews or repairs any existing building in such a manner as to involve a renewal, reconstruction or erection of any portion of an outer or party wall to the extent of one storey in height whatever the material of such outer or party wall is;

(i) demolishes and reconstructs or adds to a building in such a manner as to involve more than—

(i) half the superficial area of walls and partitions;
or

(ii) half the superficial area of floors (excluding ground floor) or roofs; or

(j) constructs an additional storey or storeys, or renews, reconstructs or erects an outer or party wall of the first, second or third storey counting from the ground, to the extent of one storey in height:

Provided that, for the purposes of subsection (2) and for the purposes of section 13 a person who executes or does any of the works or things specified in paragraph (b)(ii), (f), (g) or (h) shall not be deemed to erect a building.

The expression “erection of a building” shall be construed accordingly.

Works executed on the same building on two or more occasions within ten years may be deemed to be one reconstruction and aggregated for purposes of this definition.

(21) (a) Where the erection of any building is commenced or carried out in respect of any building, it shall be presumed, until proved to the contrary, to have been commenced or carried out by the owner of the land whereon such building is erected and he shall be liable therefor.

(b) Where a building is erected on vacant land and the person who actually erected the building is not known or cannot be found in Sarawak, the building shall be deemed to have been erected by the owner of such land who shall be liable therefore.

Approval of plans

(22) (a) If the local authority does not, within six calendar months from the date of the submission of any plans under subsection (2) or from the date of the resubmission of such plans amended pursuant to subsection (8), as the case may be, approve, disapprove or make written requisition with regard thereto, the person who has submitted the plan may apply to the Minister, and the powers vested in the local authority under this section shall then vest in the Minister.

(b) The provisions of paragraph (a) shall not apply to plans and specifications submitted in compliance with subsection (2)(b).

Earthworks

8A.—(1)(a) No person shall commence or carry out or permit to be commenced or carried out any earthworks without having first submitted to the local authority plans and specifications in respect of the earthworks and obtained the approval of the local authority thereto.

(b) Where earthworks involve the removal or transport of rock materials away from any land, no approval shall be given by the local authority unless the applicant has been issued with a licence by the Superintendent of Lands and Surveys under section 32A of the Land Code [*Cap. 81 (1958 Ed.)*] for the removal of such rock materials.

(2) Where the earthworks are to be commenced or carried out for the purpose of the construction of any building, street, drain, sewer, or embankment, or for the laying of any cable or pipe, or for the purpose of any other construction or work whatsoever, the plans and specifications relating to such construction or work required to be submitted under this Ordinance or any bylaws made thereunder shall be submitted to the local authority at the same time as the plans and specifications in respect of the earthworks.

(3) In granting the approval under subsection (1), the local authority may impose such conditions as it deems fit:

Provided that such conditions shall not be inconsistent with any conditions imposed by the Superintendent under section 32A(2) of the Land Code [*Cap. 81 (1958 Ed.)*] when issuing a licence for the removal of rock materials.

(4) The local authority shall, where it certifies that the safety of life or property is affected or is likely to be affected by any earthworks, order the immediate cessation of the whole or any part of the earthworks; the certificate of the local authority under this subsection shall be conclusive proof of the matters stated therein and shall not be questioned or be subject to any appeal or review in any court:

Provided that before the issue of such order, the local authority shall consult the Chief Inspector of Buildings and give effect to whatever directions he may give in regard to the matter.

(5) Without prejudice to subsection (4), the local authority may, from time to time, give such directions as it deems fit in respect of any earthworks, and the same shall be complied with by the person to whom such directions are given, and where such directions are not complied with the local authority may order the cessation of the whole or any part of the earthworks.

(6) Notwithstanding subsections (4) and (5), the local authority may itself cause any work to be executed or any measure to be taken if it considers such work or measure necessary, and such work or measure may be in addition to or in place of anything required to be done under any direction or order given under subsection (4) or (5).

(7) Where cessation of the earthworks has been ordered under this section, the local authority may permit the resumption thereof subject to compliance with such directions or conditions as may be specified by the local authority.

(8) The local authority or any person authorized by it or on its behalf may enter upon any land, building or premises at any hour of the day or night without notice to the owner or occupier thereof for the purpose of executing any work under this section or for carrying out any inspection for the purpose of this section.

(9) Any person who contravenes any provision of this section or fails to comply with any direction or order given under this section or does any act to obstruct in any manner whatsoever the entry or the execution of any work authorized to be effected or executed under this section by or on behalf of the local authority shall be guilty of an offence: Penalty, a fine of ten thousand ringgit and imprisonment for two years and, in the case of a continuing offence, a further fine of two hundred ringgit for every day during which the offence is continued after conviction.

(10) Where a person has been convicted of an offence under subsection (9), the local authority may revoke the approval of the plans and specifications given under subsection (1), and the person carrying out the earthworks shall upon receipt of the notice of such revocation forthwith cease the whole of the earthworks.

(11) Where cessation of the earthworks has been ordered under subsection (4) or (5) or is required to be effected under subsection (10) and the order or requirement is not complied with, the local authority may summarily eject any person or remove any equipment, vehicle, machinery or any article whatsoever from the site of the earthworks to secure the cessation of the earthworks and for this purpose may seek the assistance of the police.

(12) Where the local authority exercises its powers under subsection (6), (11) or (16), it may recover any expenses and costs incurred by it from the owner of the land on which the earthworks were carried out in the same manner as provided for the recovery of rates; the amount of the costs and expenses to be so recovered by the local authority shall be certified by the local authority and the certificate of the local authority in this regard shall be conclusive proof of the matters stated therein and shall not be subject to any appeal or review in any court.

(13) This section shall not apply to earthworks commenced or carried out by or on behalf of the Government of Malaysia or the State Government or any local authority.

(14) Where any earthworks are commenced or carried out, the owner of the land on which such earthworks are commenced or carried out shall be deemed to have permitted such earthworks to be commenced or carried out.

(15) The local authority or any person authorized by it or on its behalf shall not be subject to any action, claim, liabilities or demand whatsoever arising out of the exercise of any of the powers conferred on the local authority under this section or under any bylaws made thereunder.

(16) If any public street or any part thereof, or any building, or any structure, or any other property whatsoever belonging to the Government of Malaysia or the State Government or to the local authority is injured by or in consequence of any earthworks on any land, the local authority may repair and make good the damage done.

(17) The local authority may make bylaws in respect of earthworks and in particular—

(a) to provide for the submission of plans, specifications, particulars, documents and reports relating to earthworks, the persons qualified to submit the same and their duties and responsibilities, the form and nature or classification of plans, specifications, particulars, documents and reports which such person shall submit and the fees therefor;

(b) to provide for the punishment for offences under the bylaws made under this section not exceeding a fine of five thousand ringgit and imprisonment for one year and, in the case of a continuing offence, not exceeding a further fine of five hundred ringgit for each day the offence is continued;

(c) to provide for exemption from all or any of the provisions of this section in respect of earthworks of a minor or temporary character; and

(d) generally to give effect to the objects and purposes of this section.

(18) In the exercise of its power under this section, a local authority shall have due regard to the provisions of the Natural Resources and Environment Ordinance [*Cap. 84 (1958 Ed.)*] including any order or rule made, or any direction or guideline issued, thereunder for the protection and enhancement of the environment.

Order to review safety and stability in the course of erection of building

8B.—(1) Where there are changes to the topography, features to the land or the surrounding area brought about by the erection of building or natural causes which are not in conformity with any approved plan in relation thereto, the local authority may carry out a visual inspection.

(2) Where the local authority reasonably suspects there is a defect, deformation or deterioration in the structure of a building under erection which may likely result in the failure of the building, the local authority may, after consultation with the Chief Inspector of Buildings, issue to the owner of the building an order to review the safety and stability of—

(a) the building;

(b) the foundation of the building; and

(c) the surroundings on which the erection of building is in progress.

(3) The review shall be undertaken by a qualified person other than the qualified person who prepared and certified the plans, calculations, particulars, documents or reports submitted to the local authority before the commencement of erection of building.

(4) The report of the review shall be submitted to the local authority within the period specified by the local authority.

(5) The local authority may, after evaluating the report of the review and after consulting the Chief Inspector of Buildings—

(a) certify that the safety of life or property is affected or is likely to be affected by the erection of building; and

(b) serve a notice in writing to the owner of the building of its intention to issue an order for cessation of the erection of building.

(6) The local authority shall inform the owner of the building of his right to object to its of intention to issue an order for cessation of the erection of building, within fourteen days from the date of service of the notice in subsection (5)(b), and if no objections are received within the period the order for cessation shall be issued with immediate effect.

(7) If objections are received under subsection (6), the local authority shall, as soon as possible after the expiry of the period within which objections may be made, hear any person who has lodged an objection and thereafter decide after consulting the Chief Inspector of Buildings, whether—

(a) an order for cessation of the erection of building shall be issued; or

(b) instructions under subsection (8) shall be given.

(8) Without prejudice to its power under subsection (5), the local authority shall, after evaluating the report of the review and after consultation with the Chief Inspector of Buildings and acting in accordance with his advice and direction, give to any person written instruction including the submission of a fresh or an amended plan in respect of the following:

- (a) the stabilization of slope;
- (b) the provision of additional drainage facilities;
- (c) the strengthening of existing retaining walls and the construction of new walls;
- (d) the provision of other additional features to support existing construction works; and
- (e) such other matters as the local authority considers necessary,

for the purpose of remedying any defect, deformation or deterioration in the structure of the building, removing any danger to life or property and ensuring safety and stability of the building, its foundation and surroundings and such instructions shall be complied with within the period specified therein.

(9) Where the instructions given under subsection (8) are not complied with, the local authority may order the cessation of the whole or any part of the erection of building.

(10) Where an order for cessation of the erection of building made under—

- (a) subsection (6);
- (b) subsection (7)(a); or
- (c) subsection (9), whether in whole or in part,

is not complied with, the local authority may summarily eject any person or remove any equipment, vehicle, machinery or article from the site where the building is being erected to secure the cessation of the erection of building and for this purpose may seek the assistance of the police.

(11) Notwithstanding subsections (9) and (10), the local authority may, after consulting the Chief Inspector of Buildings and acting in accordance with his advice or direction, execute any work, take any measure or demolish a building under erection—

(a) if it considers such work, measure or demolition necessary to prevent an imminent danger to life or property; or

(b) in the case of non-compliance with any instructions given under subsection (8),

and such work, measure or demolition may be in addition to or in place of anything required to be done under such instructions and the local authority may recover all expenses reasonably incurred by it in doing so from the owner of the building.

(12) The local authority or any person authorized by it or on its behalf or the Chief Inspector of Buildings may enter the site of a building under erection at any time without notice to the owner thereof to carry out an inspection or for any other purposes under this section.

(13) Where—

(a) the cessation of the erection of building—

(i) has been ordered under subsection (6), (7)(a) or (9), as the case may be; or

(ii) has been secured under subsection (10);

(b) instructions have been given under subsection (8); or

(c) any remedial work has been executed or measure has been taken under subsection (11),

the local authority may, after consultation with the Chief Inspector of Buildings, allow the resumption of the erection of building subject to compliance with such instructions and conditions as it may specify.

(14) The local authority may, without prejudice to its right to recover the expenses under section 41, refuse to allow the resumption of the erection of building under subsection (13) until all expenses reasonably incurred by it in securing the cessation of the erection of building, executing the work or taking the measure have been reimbursed by the owner of the building.

(15) Any person who—

(a) fails to comply with any order, instruction or condition given under this section; or

(b) does any act to obstruct in any manner whatsoever the local authority or any person authorized by it or on its behalf in the execution of its or his powers under this section,

shall be guilty of an offence: Penalty, a fine of ten thousand ringgit and imprisonment for two years and, in the case of a continuing offence, a further fine of five hundred ringgit for every day during which the offence is continued after conviction.

Revocation of approval of any plan, specification and permission

8C. Where a person has been convicted of an offence under section 8B(15), the local authority may revoke the approval of any plan and specification and permission given under this Ordinance and he shall, upon receipt of the notice of such revocation, forthwith cease the whole of the erection of building:

Provided that before exercising its powers under this section, the local authority shall consult the competent planning authority.

Inspection of erection of building at any stage and taking of sample for analysis

8D.—(1) Nothing contained in this Ordinance shall prevent the local authority or any person authorized by it or on its behalf or the Chief Inspector of Building from—

- (a) inspecting any erection of building at any stage;
- (b) giving a notice in writing of any deviation from the approved plan or specification or non-compliance with any provision of this Ordinance which it or he may observe; and
- (c) ordering such deviation or non-compliance to be rectified.

(2) The local authority or any person authorized by it or on its behalf or the Chief Inspector of Buildings may, if its or his duties so require, take reasonable samples of any building material for analysis as it or he considers necessary, and such sample may be disposed of in such manner as it or he may direct.

(3) No payment shall be made for any sample taken under subsection (2) but a receipt for any such sample shall be given.

[Ins. Cap. A52.]

Penalty for failure of building or earthworks

9. Where any building or part of a building fails, whether in the course of construction or after completion, or where there is any failure in relation to any earthworks or part of any earthworks, whether in the course of the carrying out of the earthworks or after completion thereof, and the cause of such failure is due to any one or more of the following factors:

- (a) misconstruction or lack of proper supervision during construction;
- (b) misdesign or miscalculation; or
- (c) misuse,

[Am. Cap. A52.]

of such building or part of such building, or of such earthworks or part of such earthworks, the person responsible for—

[Am. Cap. A52.]

- (i) such misconstruction or such lack of proper supervision;
- (ii) such misdesign or miscalculation; or
- (iii) such misuse,

shall be guilty of an offence: Penalty, a fine of fifty thousand ringgit and imprisonment for ten years.

PART III

UNAUTHORIZED BUILDING

Demolition or removal of unauthorized building

10.—(1) Where the local authority is satisfied that a building has been erected or is in the course of erection or is about to be erected in contravention of section 8 or, if such building has been erected prior to the coming into force of this Ordinance, in contravention of any law then in force relating to buildings and in respect of which building approval under any law was not given subsequently, the local authority may by notice served on the owner of the land require him to do any one or more of the following acts—

- (a) to abstain from commencing or proceeding with the erection of such building;

(b) to demolish such building within such time as the local authority may specify; and

(c) to take steps as may be ordered by the local authority.

(2) Where the owner is unable to demolish such building within the time specified in the notice, the owner may request the local authority to carry out the requirements of the notice.

(3) No request by the owner made under subsection (2) shall absolve the owner from his liability under this section unless he makes the request within the time specified for him to demolish such building and unless within the same period of time he—

(a) deposits with the local authority such sum which the local authority thinks is sufficient to cover the costs and expenses of—

(i) demolishing such building;

(ii) removal of any movable property found in such building;

(iii) storage of such movable property; and

(iv) any other activities incidental to or arising out of sub-paragraphs (i), (ii) and (iii);

(b) indemnifies and keeps indemnified the local authority against any claim, damage, loss, action or proceedings that may be brought against the local authority arising out of and incidental to paragraph (a); and

(c) notwithstanding any sum paid under paragraph (a) pays the local authority a further sum which may be prescribed by the Yang di-Pertua Negeri for relocation purposes.

(4) Any person who fails to comply with the requirements of the notice shall be guilty of an offence: Penalty, a fine of two hundred and fifty ringgit for every day that the offence is continued after expiry of the period specified in the notice and imprisonment for two years.

(5) Where the owner fails to comply with the requirements of the notice, the local authority may do any or all of the acts required by the notice and notwithstanding the owner's liability to pay any fine under subsection (4), the owner shall pay such sum to the local authority as may be required under subsection (3) and shall be deemed to have indemnified the local authority in carrying out the terms of the notice as if he had requested the local authority to do so.

Notice before demolition

(6) Where the building is to be demolished by the local authority, it shall give at least thirty days' notice to the occupants of the building requiring them to vacate the building and the local authority may after the lapse of the period enter the building and remove any person or movable property found therein.

(7) Any movable property removed pursuant to subsection (6) may be taken to a suitable place and there to remain at the risk of the owner and may within a period of one month from the date of the removal be claimed by any person who furnishes evidence to the satisfaction of the local authority that he is the owner and if there be no claim shall be disposed of in the manner specified in section 52.

(8) A certificate by the local authority stating the sum required to be paid by the owner under subsections (2) and (5) shall be conclusive proof of the sums due and shall not be subject to any appeal or review in any court.

Penalty for letting out and sale of unauthorized building

11.—(1) Any person who is not the owner of the premises and who sells or enters into an agreement to sell a building which has been erected or is in the course of erection in contravention of section 8 shall be guilty of an offence: Penalty, a fine of ten thousand ringgit and imprisonment for two years.

(2) Any person who erects or causes to be erected any building in contravention of section 8 shall, if such building is subsequently sold or agreed to be sold, be guilty of an offence: Penalty, a fine of ten thousand ringgit and imprisonment for two years.

(3) Any person who lets or enters into an agreement to let an unauthorized building for rent or any other consideration shall be guilty of an offence: Penalty, a fine of one thousand ringgit.

(4) The Court before which a person is convicted for an offence under subsection (1) or (2) may also order such person to refund the purchase money for the building to the purchaser together with such compensation as the Court deems fit.

Modification or waiver of bylaws

12.—(1) The local authority may on receipt of an application in relation to any particular building or structure, and provided it is satisfied that such waiver or modification as hereinafter mentioned will not render the building or structure unsafe, modify or waive, upon and subject to such terms and conditions as it thinks fit, any of the requirements of any bylaws relating to the construction of buildings.

(2) Any such application shall be made in writing to the local authority by or on behalf of the owner of the particular building or structure or of the particular part of such building or structure to which such application relates and shall state the nature and extent of and reasons for the proposed modification or waiver of such requirement and shall be accompanied by such plans, sections, elevations and particulars as may be required.

Rights of owners of adjoining premises

(3) If it appears to the local authority on receipt of any such application that the owner of any adjoining premises should be consulted the local authority shall serve upon such owner notice of the application informing him to make representations to the local authority within a specific period.

(4) The local authority shall take into consideration the representations of any owners of adjoining premises and where the local authority decides to allow modification or waiver against the representations of any such owner, it shall submit its decision to the appropriate Minister who is responsible for that local authority.

(5) Unless the decision of the local authority is reversed or modified by the appropriate Minister responsible for that local authority within thirty days of its submission, the decision of the local authority shall be deemed to be confirmed.

PART IV

OTHER BUILDING REQUIREMENTS

Land to be set apart for back-lane

13.—(1) The local authority shall not approve any plan submitted pursuant to section 8 relating to a building unless—

(a) a back-lane, if required by the competent planning authority, of such width as may at the discretion of the competent planning authority be required, is shown on the plan, or vacant land is shown on the plan to be set apart or acquired for a back-lane of such width as may be required by the competent planning authority, and the person submitting the plan reimburses the competent planning authority for any moneys at any time paid for the acquisition by any means of the portion of such back-lane or such vacant land to the centre thereof which abuts on the holding in respect of which the plan is submitted to the extent to which it so abuts; or

(b) the person submitting the plan sets apart, where the competent planning authority so requires, a vacant strip of his land sufficient, with or without other land previously so set apart or acquired, to form a back-lane or part of a back-lane of such width as is required by the competent planning authority:

Provided that where the person submitting the plan sets apart a vacant strip of his land sufficient to form not less than one-half the width of that part of the back-lane which abuts on his land, the competent planning authority may in its discretion in a particular case approve such plan.

Situation of back-lane

(2) The back-lane shall, where the competent planning authority so requires, be situated so as to conform with such line as is laid down therefor by the competent planning authority and so as to communicate at each end thereof with the land set apart or to be set apart for a back-lane by, or acquired or to be acquired from, the owners of the properties on each side thereof, and when completed the same shall, wherever possible, open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

Non-approval of plan where building site does not abut on land available for a back-lane

(3) Where upon the submission of a plan relating to a building for the approval of the local authority it appears that the site thereof does not abut upon any land so situate as to be capable of being set apart for a back-lane in conformity with the line laid down therefor by the competent planning authority, the local authority may refuse to approve the plan until the land situate between the site of the building and the line of the back-lane or intended back-lane immediately opposite such site has been added to the holding in respect whereof the plan has been submitted and the portion of the intended back-lane which abuts on such site so added to has been set apart or acquired for a back-lane and the person submitting the plan has reimbursed the competent planning authority in the manner and to the extent provided in subsection (1)(a) and the other provisions of that subsection have been complied with.

Acquisition of land between building site and line of back-lane

(4) Where in any such case as is referred to in subsection (3) the person submitting the plan requests the competent planning authority in writing to have the land situate between the site of the building and the line of the back-lane or intended back-lane immediately opposite such site, and, if requisite, that portion of the intended back-lane which abuts on such site when added to in the manner described in subsection (3) acquired, the competent planning authority shall request the Government to acquire such land and such portion of the intended back-lane for the purpose of the same respectively being added to the holding in respect whereof the plan has been submitted and forming part of the back-lane and shall notify the owner accordingly.

Prohibition of building on insanitary ground

14.—(1) No new building shall be erected on any ground which has been filled up with any matter impregnated with faecal, animal or vegetable matter or upon which any such matter has been deposited unless and until such matter has been properly removed by excavation or otherwise or has been rendered or become innocuous.

(2) Any person who does, causes or wilfully permits any act in contravention of this section shall be guilty of an offence: Penalty, a fine of five hundred ringgit and shall also be liable to a further fine of one hundred ringgit for every day during which the offence is continued after conviction.

Buildings over public sewers, etc., not to be erected without consent of local authority

15. No building shall be erected over any public sewer, private connection pipe, public surface or storm water drain, culvert, water-course, river or stream or any water main, electric cable or wire without the prior written permission of the local authority or the controlling statutory authority concerned, as the case may be.

Removal of roofs and walls made of combustible materials

16.—(1) Any person who, being the owner of any building which external roof is or walls are made of grass, leaves, mats, attaps or other combustible materials and which is less than 6 metres from any other building separately occupied or from any street, does not remove such roof or walls, as the case may be, within ninety days after a notice to do so has been served on him, shall be guilty of an offence: Penalty, a fine of one hundred ringgit for every day during which such default continues after service of notice.

Renewal or repairing with combustible materials

(2) Any person who after service of such notice issued under subsection (1) makes, renews or repairs any building with any combustible materials as are mentioned in subsection (1) or causes any such building to be so made, renewed or repaired shall be guilty of an offence: Penalty, a fine of five hundred ringgit and shall also be liable to a further fine of one hundred ringgit for every day he suffers or allows the same to remain after conviction, and the Court shall, on the application of the local authority, make a mandatory order requiring the building to be pulled down.

Erection of compartments, galleries, lofts, etc., in buildings

17.—(1) No person shall erect or cause or permit to be erected in any building any partition, compartment, gallery, loft, roof, ceiling or other structure without having the prior written permission of the local authority.

(2) In every such case the owner shall be presumed until proved to the contrary to have commenced or carried out such erection.

Local authority may remove

(3) The local authority, its agents or servants may enter any such building and remove any partition, compartment, gallery, loft, roof, ceiling or other structure which has been erected without the prior written permission of the local authority in which event the person in default or if the person in default is unknown or untraceable or even if traceable is unable to pay the expenses incurred, the owner shall pay to the local authority the costs and expenses of—

(a) demolishing such structure;

(b) removal of the movable property found in the building at a rate which may be prescribed by the local authority for every trip made by wagon or transporting vehicle for the purpose of the removal and storage;

(c) storing the movable property at a rate which may be prescribed by the local authority if it is not claimed on the day the movable property is removed; and

(d) any other activities incidental to or arising out of paragraphs (a), (b) and (c),

and shall be deemed to have indemnified the local authority against any claim, damage, loss, action or proceeding that may be brought against the local authority including any cost and expenses arising out of and incidental to paragraphs (a), (b), (c) and (d).

(4) Without prejudice to subsection (3) any person who contravenes subsection (1) shall be guilty of an offence: Penalty, a fine of five hundred ringgit and shall also be liable to a further fine of one hundred ringgit for every day during which the offence is continued after conviction.

Sky-signs

18.—(1) No sky-sign shall be erected in any place within the area of the local authority without the prior written permission of the local authority.

(2) The local authority may give to the owner or occupier of any premises upon which any sky-sign is so erected notice in writing to remove the same, and the owner or occupier shall remove the same within fourteen days after service of such notice.

Hedges and trees bordering streets to be trimmed

19.—(1) The local authority may by notice in writing require the owner or occupier of any land to trim or prune the hedges thereon bordering any street so that they do not exceed two metres in height from the level of the street, and, in the case of hedges within 14 metres of a corner, one metre in height from the level of the street, and to cut and trim all trees or branches of trees overhanging any street.

(2) If the owner or occupier fails to comply with the notice within the period specified therein, the local authority may itself cause the work to be done and recover the cost and expenses thereof in the manner hereinafter provided.

Trees not to be planted within 4 metres of street

20.—(1) No tree unless it is of a specie allowed by the local authority shall be planted within 4 metres of any street or back-lane.

(2) Any person who plants any tree in contravention of this section shall be guilty of an offence: Penalty, a fine of five hundred ringgit, and the tree may be cut down or dug up by order of the local authority.

Compensation in certain cases

(3) Any tree standing within 4 metres of or overhanging any street or back-lane may be cut down or dug up by order of the local authority:

Provided that where such tree being a fruit tree was planted before the street or back-lane was laid out or intended for a street or back-lane, the local authority shall make such compensation not exceeding fifty ringgit to the owner thereof as is just.

Cleansing of premises

21.—(1) The local authority may by notice in writing require the owner or occupier of any premises to cleanse, white-wash, colour-wash, paint or disinfect his premises within a time to be stated in the notice and in such manner and such colour, if any, as may be specified in the notice.

(2) If the owner or occupier fails to comply with the notice within the period specified therein, the local authority may itself cause the work to be done and recover the cost and expenses thereof in the manner hereinafter provided.

Movable shed not to be erected without permission

22. Any person who erects or causes or permits to be erected, keeps or permits to be kept, on his land or the land which he occupies any movable shed or movable structure intended to act as a roof without the prior written permission of the local authority shall be guilty of an offence: Penalty, a fine of one thousand ringgit and the Court before which the person is convicted shall, on application of the local authority, make a mandatory order requiring such person to remove such movable shed or structure.

Local authority may cause drains to be made for premises which are not properly drained

23.—(1) If any premises is at any time not drained of waters other than sewage to the satisfaction of the local authority by a sufficient drain or pipe communicating with some drain or some other place at which the local authority is empowered to drain water other than sewage, and if there are such means of drainage within 30 metres of the boundary of such premises, the local authority may give a notice in writing requiring the owner thereof to construct or lay for such premises a drain or pipe of such materials, of such size, at such level and with such fall as it may specify for the drainage of such premises.

(2) If the owner fails to comply with such notice within thirty days from the date thereof, he shall be guilty of an offence: Penalty, a fine of one thousand ringgit, and the Court upon conviction of the owner shall, on the application of the local authority, make a mandatory order requiring the owner to construct or lay such drain or pipe, or the local authority may carry out such works and the expenses incurred by the local authority in respect thereof if not forthwith paid by the owner, shall be recoverable in the manner hereinafter provided.

Hoardings to be set up during building operations

24.—(1) No person intending to build or take down any building or to alter or repair the outward part of any building, shall do so without the prior written permission of the local authority and without causing sufficient hoardings or fences to be put up in order to separate the building where such works are being carried on from any street or footway.

(2) Where permission has been granted to any person to do any of the works stated in subsection (1), such person shall—

(a) maintain such hoardings or fences as are required in subsection (1) in good condition and to the satisfaction of the local authority;

(b) cause such hoardings or fences to be well lighted at night; and

(c) remove such hoardings or fences or any scaffolding used in such works within such time as may be specified by the local authority.

Penalty

(3) Any such person who contravenes subsections (1) and (2) shall be guilty of an offence: Penalty, a fine of two thousand ringgit and shall also be liable to a further fine of one hundred ringgit for every day during which the offence is continued after a notice requiring him to comply with any of the provisions in subsection (1) or (2) has been served on him.

Proviso

(4) Where a local authority considers the use of a hoarding unnecessary or impracticable, it may give written permission that such building, taking down, alteration or repairs may be done without the erection of a hoarding or fence.

PART V

BUILDING IN RUINOUS STATE, *ETC.***Powers as regards building in ruinous and dangerous state**

25.—(1) Where a local authority is satisfied that any building or anything affixed thereon is in ruinous state, likely to collapse or is in any way dangerous or likely to endanger the safety of any person, the local authority shall serve notice on the owner of such building requiring him to either repair the defects or demolish the building or anything affixed thereon within such period of time as the local authority may specify and the local authority may also require such owner to put up such hoardings or fences of such specifications and within such period of time as it may specify.

(2) Notwithstanding any notice under subsection (1), if the local authority is satisfied that it is dangerous for any person to remain or reside inside such building, it may by notice require every occupier of and every lodger in such building to vacate the building within such period of time as it may specify.

(3) If upon service of the notice the owner desires to renew or repair, he shall not proceed to do so unless he has obtained planning approval to do so from the competent planning authority in the area where his building is situated.

(4) Where planning approval has been granted, the owner shall not proceed to renew or repair unless he has submitted such plans and specifications showing the intended renewals or repairs and until such plans and specifications have been approved by the local authority.

(5) Where the owner fails to put up hoardings or fences within the period of time specified in the notice or fails to put up hoardings or fences in accordance with the specifications of the local authority, the local authority may enter upon such premises where the building is situated and put up such hoardings or fences.

(6) Where the owner is unable to demolish such building within the time specified in the notice, the owner may request the local authority to carry out the requirements of the notice.

(7) No request by the owner made under subsection (6) shall absolve the owner from his liability under this section unless he makes the request within the time specified for him to demolish such building and unless within the same period of time he—

(a) deposits with the local authority such sum which the local authority thinks is sufficient to cover the costs and expenses of—

(i) demolishing such building;

(ii) removal of any movable property found in such building;

(iii) storage of such movable property; and

(iv) any other activities incidental to or arising out of subparagraphs (i), (ii) and (iii); and

(b) indemnifies and keeps indemnified the local authority against any claim, damage, loss, action or proceedings that may be brought against the local authority arising out of and incidental to paragraph (a).

(8) Any person who fails to comply with any of the requirements of the notice under subsection (1) or (2) shall be guilty of an offence: Penalty, a fine of two hundred and fifty ringgit for every day that the offence is continued after the expiry of the period specified in the notice.

(9) Where the owner fails to comply with the requirements of the notice, the local authority may do any or all of the acts required by the notice and notwithstanding the owner's liability to pay any fine under subsection (8), the owner shall pay such sum to the local authority as may be required under subsection (7) and shall be deemed to have indemnified the local authority in carrying out the terms of the notice as if he had requested the local authority to do so.

(10) A certificate by the local authority stating the sum required to be paid by the owner under subsections (5) and (9) shall be conclusive proof of the sum due and shall not be subject to any appeal or review in any court.

Power to shut up and secure deserted buildings

26.—(1) If any building or land, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes liable to be a resort of idle and disorderly persons or otherwise becomes a public nuisance and is complained of by any two or more of the neighbours or by a police officer not below the rank of Assistant Superintendent or by the Medical Officer of Health, the local authority, after due inquiry may cause notice in writing to be given to the owner or the person claiming to be the owner, if he is known and resident in Sarawak, or, if he is not known or so resident, may cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therewith, wherever they may be, to secure and enclose the same or to abate the nuisance within such period of time as it may specify.

(2) Any person who fails to comply with the requirements of the notice shall be guilty of an offence: Penalty, a fine of two hundred and fifty ringgit for every day that the offence is continued after the expiry of the period specified in the notice.

(3) Where the owner fails to comply with the requirements of the notice the local authority may do any or all of the acts required by the notice and the cost and expenses of doing such work shall be recoverable by the local authority from the owner.

Building to which public has access

27.—(1) The owner or occupier of any building or any part thereof to which the public has access shall—

(a) regularly clean and keep clean and in good repair such building or part thereof; and

(b) keep such building or part thereof free of any condition which may endanger the lives or health of his employees, members of the public and other users thereof.

(2) Where, in the opinion of the local authority, the owner or the occupier of any such building or part thereof fails to comply with subsection (1), the local authority may, by notice in writing, require such owner or occupier within such period as may be specified therein to take such steps as the local authority deems fit.

(3) Any person who contravenes subsection (1) or refuses, neglects or fails to comply within such period as may be specified in any notice issued by the local authority under subsection (2), shall be guilty of an offence: Penalty, a fine of one thousand ringgit and shall also be liable to a further fine of one hundred ringgit for every day during which the offence is continued after expiry of the period specified in the notice.

(4) Where any person who has been served with a notice under subsection (2) fails to comply therewith, the local authority may in its discretion, and without prejudice to any proceedings under subsection (3) and whether before or after the commencement or conclusion of such proceedings, carry out all or any of the requirements set out in such notice and recover from such person the cost and expenses thereof.

(5) The local authority may certify such cost and expenses incurred and the certificate of the local authority shall be conclusive proof of the sum due and shall not be subject to any appeal or review in any court.

Appointment of Chief Inspector of Buildings

27A.—(1) The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, appoint a person with sufficient engineering qualifications and experience to be the authority to be known as the Chief Inspector of Buildings, to advise the Government on the safety of buildings, and to assist local authorities on the exercise of their powers under this Ordinance.

(2) The Majlis Mesyuarat Kerajaan Negeri may appoint a Deputy Chief Inspector of Buildings and such other persons as may be required to assist the Chief Inspector of Buildings in the discharge of his functions and duties under this Ordinance.

Periodical inspection of buildings

27B.—(1) This section shall apply only to a building exceeding five storeys or fifteen metres in height and any storey of building which is or at a level lower than the ground storey shall be deemed to be a storey.

(2) The local authority may, without prejudice to its powers under section 25, by a notice in writing served on the owner of a building, require the building to be inspected—

(a) after the tenth year commencing from the date the first occupation permit in respect of the building was issued; and

(b) thereafter at intervals of not more than ten years from the date of the completion of the last inspection of the building under this section.

(3) The owner of a building shall, upon receipt of a notice subsection (2), cause the building to be inspected within the time specified in the notice by an engineer to be appointed by him.

(4) If the notice under subsection (2) is not complied with, the local authority shall notify the Chief Inspector of Buildings who shall inspect the building or cause the building to be inspected by an engineer, and all expenses reasonably incurred shall be recovered by the local authority from the owner of the building.

(5) An engineer carrying out an inspection under this section shall inspect the building in the manner prescribed in the bylaws which shall take into consideration the following:

(a) a visual inspection of the building, including a visual survey of the condition of the building and its structural elements and any addition or alteration to the building and its structural elements;

(b) the preparation and submission to the local authority of a report of the result of the visual inspection;

(c) if, after having considered the results of the visual inspection, the engineer reasonably suspects or is of the opinion that there is a defect, deformation or deterioration in the building or its structural elements as will or will likely endanger or reduce the structural stability or integrity of any part of the building he shall request for permission from the Chief Inspector of Buildings, through the local authority, to carry out a full structural investigation on the building including investigation in respect of its structural elements;

(d) if the Chief Inspector of Buildings allows the request made under paragraph (c), the engineer shall carry out a full structural investigation which shall include the following:

(i) taking all reasonable steps in obtaining information relating to the design, erection, maintenance and history of the building;

(ii) checking with reasonable diligence the structural plans of the building together with its structural calculations, or if the plans or calculations are not available to reconstruct such plans and calculations where the local authority so requires, with a view to determining any inadequacy in the structural elements of the building;

(iii) carrying out tests on the structural elements of the building without damaging any part thereof;

(iv) carrying out tests on the building materials;
and

(v) carrying out load testing of such parts of the building as the engineer considers necessary; and

(e) the engineer shall thereafter prepare and submit to the local authority a report of the full structural investigation and his recommendations.

(6) An engineer carrying out an inspection or a full structural investigation on a building shall be entitled at all reasonable times to full and free access to the building and any part thereof he is required to inspect or investigate and any person who hinders, obstructs or delays him in the performance of his duty shall be guilty of an offence.

(7) Without prejudice to the right of the local authority to exercise its powers and recover expenses under this section, any owner of a building who contravenes or fails to comply with a notice under subsection (2) shall be guilty of an offence.

(8) The Yang di-Pertua Negeri may, by Order in the *Gazette*, provide for the application of this section with such adaptations or modifications as may be specified therein to buildings in respect of which no occupation permit has been issued by the local authority.

(9) The local authority may, if it is satisfied after evaluating the visual inspection report submitted under subsection (5)(b) or the full structural investigation report and recommendations of the engineer submitted under subsection (5)(e), as the case may be, and after consulting the Chief Inspector of Buildings and acting in accordance with his advice or direction,—

- (a) accept it in full;
- (b) reject it;
- (c) accept part of it, or
- (d) obtain a second opinion on it.

(10) The local authority, with the concurrence of the Chief Inspector of Buildings, may thereafter—

- (a) issue an order to the owner of the building to take the necessary measures to rectify or remedy any defect, deformation or deterioration as recommended by the engineer within such period as the local authority may specify; or
- (b) issue an order to the owner of the building for closure and demolition of the building.

(11) Before exercising its powers under subsection (10), the local authority shall, if it is reasonably practicable to do so, serve a copy of the order made thereunder to every occupier of the building.

(12) Any person who fails to comply with an order given under subsection (10) shall be guilty of an offence: Penalty, a fine of twenty thousand ringgit and imprisonment for two years and, in the case of a continuing offence, a further fine of five hundred ringgit for every day during which the offence is continued after conviction.

(13) Notwithstanding subsection (12), where the owner of a building fails to comply with an order issued under subsection (10), the local authority may take any measure as specified in the said order or secure the closure and demolition of the building and recover from the owner expenses reasonably incurred by it in relation thereto.

(14) For the purpose of this section, in the case of a local authority not specified in the First Schedule, it shall be deemed to be the local authority and conferred with powers to exercise its functions as may be required in this section as if it has been specified in the First Schedule.

PART VI NUISANCES

Nuisances liable to be dealt with summarily under this Ordinance

28. For the purposes of sections 29, 30, 31 and 32—

(a) any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;

(b) any well, pool, gutter, water-course, cistern, water closet, water sealed latrine, privy, urinal or drain so foul or in such a state or so situate as to be a nuisance or injurious or dangerous to health;

(c) any building which—

(i) is not kept in a clean state and free from effluvia arising from any sewer, drain, privy, water sealed latrine, urinal or other nuisance; or

(ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health;

(d) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance or injurious or dangerous to health;

(e) any brick-field, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to be injurious to health,

shall be a nuisance liable to be dealt with summarily in accordance with sections 29, 30, 31 and 32.

Notice requiring abatement of nuisance

29.—(1) On receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Ordinance, the local authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as are necessary for that purpose and, if the local authority thinks it desirable, specifying any works to be executed.

(2) The local authority may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance and, if the local authority thinks it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time being abated if the local authority considers that it is likely to recur on the same premises.

(3) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

(4) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the local authority may cause the same to be abated and may do what is necessary to prevent the recurrence thereof.

(5) Where a notice has been served on a person under this section and either—

(a) the nuisance arose from the wilful act or default of the said person; or

(b) such person makes default in complying with any of the requirements of the notice within the time specified,

he shall be guilty of an offence: Penalty, a fine of five hundred ringgit for each offence whether any such nuisance order as in this Ordinance mentioned is or is not made upon him.

On non-compliance with notice, nuisance order to be made

30.—(1) If either—

(a) the person on whom notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requirements thereof within the time specified; or

(b) the nuisance, although abated since the service of the notice, is in the opinion of the local authority likely to recur on the same premises,

on complaint by the local authority the Court hearing the complaint may make on such person a summary order, in this Ordinance referred to as a “nuisance order”.

Nuisance order

(2) A nuisance order may be an abatement order or a prohibition order or a closing order or a combination of such orders.

Abatement order

(3) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

Prohibition order

(4) A prohibition order may prohibit the recurrence of a nuisance.

When to specify works to be executed

(5) An abatement order or prohibition order shall, if the person on whom the order is made so requires or the Court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

Closing order

(6) A closing order may prohibit a dwelling house from being used for human habitation.

When to be made

(7) A closing order shall only be made where it is proved to the satisfaction of the Court that by reason of a nuisance a dwelling house is unfit for human habitation, and, if such proof is given, the Court shall make a closing order and may impose a fine of one thousand ringgit:

Provided that a closing order shall not be made unless a notice of the hearing of the complaint on which it is to be made has been posted on the premises in a conspicuous position with an intimation in such notice that any occupant of the premises may show cause against the making of such order.

Cancelling closing order

(8) A Court, when satisfied that the dwelling house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

Penalty for not complying with order

(9) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies that Court that he has used all due diligence to carry out such order, be guilty of an offence: Penalty, a fine of one hundred ringgit a day during his default.

(10) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be guilty of an offence: Penalty, a fine of one hundred ringgit a day during such contrary action.

(11) In either of the cases mentioned in subsections (9) and (10), the local authority or any person authorized by the local authority in writing in that behalf may enter the premises to which a nuisance order relates and abate or remove the nuisance and do whatever is necessary in the execution of such order and the expenses thereby incurred shall be paid by the person in default.

(12) In case of nuisances caused by the act or default of the owner of premises, such expenses together with any costs and expenses which the Court orders such owner to pay shall be deemed to be expenses to which section 41 applies and shall be recoverable under the provisions of that section.

(13) A Court making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred in obtaining the order.

Ejectment after closing order

(14) Where a closing order has been made with respect to any dwelling house, the local authority shall serve notice of the order on every occupier of the dwelling house and within such period as is specified in the notice not being less than seven days (except in case of immediate danger) after the service of the notice the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling house, and in default he shall be guilty of an offence: Penalty, a fine of one hundred ringgit a day during his disobedience to the order, and the Court shall, upon application by the local authority, make a summary order for his ejectment and the same may be carried into effect by any police officer or officer or employee of the local authority authorized in writing by the local authority:

Expenses of removal

Provided that the owner shall make to every tenant whose tenancy has not been lawfully determined such reasonable allowance, if any, on account of his expenses in removing as the Court may allow or order, and such allowance shall be recovered in a summary way before the Court.

Order for demolition of house unfit for habitation

31.—(1) Where a closing order has been made in respect of any dwelling house and has not been cancelled by a subsequent order, the local authority, if of the opinion that—

(a) the dwelling house has not been rendered fit for human habitation;

(b) the necessary steps are not being taken with all due diligence to render it so fit; or

(c) the continuance of any building being or being part of the dwelling house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling houses,

may make a complaint to the Court, and such Court after hearing the complaint may make on the owner a summary order for the demolition of such dwelling house within a time specified in such order.

(2) The order may also contain a direction that the materials of the building or any part of such materials shall be destroyed.

Execution of order for demolition

32.—(1) Where an order for the demolition of a building has been made, the owner thereof shall, within the time mentioned in such order, take down and remove the building and, if the order for demolition so directs and to the extent therein mentioned, destroy the materials thereof.

(2) If the owner fails to comply with the order, the local authority or any person authorized by the local authority in writing in that behalf shall proceed to take down and remove the building and, if necessary, destroy the materials, and may recover the costs of such work from the owner.

(3) The provisions of section 41 shall apply to any sum recoverable from the owners under this section.

PART VII

MISCELLANEOUS

Mandatory order

33.—(1) Whenever any owner or occupier is required under this Ordinance to erect or remove any building or thing or to perform any other work to which the provisions of this Ordinance apply, and such owner or occupier after due notice fails to erect or remove such

building or thing or to perform such work within the specified time, the local authority may make a complaint and the Court upon hearing the complaint shall make on such owner or occupier a summary order, in this Ordinance referred to as a “mandatory order”, requiring such owner or occupier to execute the required work.

Terms of mandatory order

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Court is authorized to require to be executed within a time to be specified in such order and shall also require such person to pay to the local authority a sum for costs and expenses incurred in obtaining such mandatory order.

Penalty for non-compliance

(3) (a) Any person to whom the order is addressed who fails to comply with the requirements of a mandatory order shall, unless he satisfies the Court that he has used all due diligence to carry out such order, be guilty of an offence: Penalty, a fine of two hundred and fifty ringgit a day during his default.

(b) Where the person fails to comply with the order, the local authority may enter the premises and execute the work so required to be executed and the expenses thereby incurred by the local authority shall be recoverable from the person in default in accordance with any law relating to the recovery of fines.

Provision as to appeal against order

34.—(1) Where a person appeals to the High Court against a mandatory order, no liability to a fine shall arise nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or abandonment of such appeal.

Penalty where appeal fails

(2) Where a mandatory order is made and a person does not comply with it and appeals against it to the High Court and such appeal is dismissed or is abandoned, the appellant shall be liable on conviction to a fine of two hundred and fifty ringgit a day during the non-compliance with the order, unless he satisfies the Court before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and, where the appeal is heard by the High Court, the High Court may, on dismissing the appeal, impose the fine as if the High Court were the Court before which the summons was returnable.

Proceedings pending appeal

(3) Where a mandatory order is made on any person and appealed against and the Court which made the order is of the opinion that the non-execution of the mandatory order will be injurious or dangerous to public health or safety and that the immediate execution thereof will not cause any injury which cannot be compensated by damages, such Court may authorize the local authority immediately to execute the work.

(4) The local authority, if it does so and the appeal is successful, shall pay the cost of such execution thereof and the damages, if any, sustained by the said person by reason of such execution thereof, but, if the appeal is dismissed or abandoned, the local authority may recover the cost of such execution thereof from the said person.

Proceedings where owner is unknown

35.—(1) Where the name or address of the owner of any premises with regard to which a Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, such Court may issue a summons addressed to the owner of the premises.

(2) Such summons may be served in the manner specified in section 55.

(3) If the owner does not appear upon the hearing of the summons, such Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him.

In case of urgency order may be made *ex-parte*

36.—(1) If in any case in which a Court has jurisdiction to make a mandatory order, the Court is of the opinion that the matter complained of will be injurious or dangerous to public health or safety and the immediate execution of the work will not cause any injury which cannot be compensated by damages, such Court may, by an *ex-parte* order, authorize the local authority immediately to execute such work.

(2) If the application for a mandatory order is subsequently refused, the local authority shall pay the damages, sustained by any person thereby, but if the mandatory order is subsequently granted the local authority may recover the cost of the work.

Protection of the local authority and officers from personal liability

37.—(1) No matter or thing done and no contract entered into by any local authority and no matter or thing done by any officer employed in the administration of this Ordinance or other person whomsoever acting under the direction of any local authority shall if the matter or thing was done or the contract was entered into *bona fide* for the purpose of executing this Ordinance, subject them or any of them personally to any action, liability, claim or demand whatsoever.

(2) The Minister, competent planning authority, local authority and any public officer or officer or employee of the local authority shall not be subject to any action, claim, liabilities or demand whatsoever arising out of any building or other works carried out in accordance with the provisions of this Ordinance or by reason of the fact that such building works or the plans thereof are subject to inspection and approval by the Minister, competent planning authority, local authority or such public officer or officer or employee of the Government or the local authority and nothing in this Ordinance shall make it obligatory for the Minister, competent planning authority

or the local authority to inspect any building, building works or materials or the site of any proposed building to ascertain that the provisions of this Ordinance are complied with or that plans, certificates and notices submitted to him are accurate.

Indemnity by local authority

38. Any expense incurred by the Minister, the competent planning authority, officer or other person acting in accordance with the provisions of section 37 shall be borne by the local authority.

Power to enter upon lands for purposes of this Ordinance

39. Any local authority may, for the purposes of this Ordinance, by its officers, employees, agents or contractors, enter at all reasonable hours in the day time into and upon any building or land as well for the purpose of making any survey or inspection as for the purpose of—

(a) executing any work authorized by this Ordinance to be executed by it;

(b) ascertaining whether there is, or has been, on or in connection with the building, a contravention of this Ordinance or of any bylaws made hereunder; or

(c) inspecting the documents, books or records kept and maintained by a qualified person,

without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Ordinance:

Proviso

Provided that the local authority shall not enter into any dwelling house in actual occupation, except with the consent of the occupier thereof or after giving twenty-four hours' previous notice to such occupier:

Provided also that the Yang di-Pertua Negeri may declare that any class of premises, for the control and supervision of which bylaws may be made under this Ordinance, are liable to night inspection, and thereupon any officer, employee, agent or contractor in that behalf duly authorized in writing may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration.

Penalty for obstructing any authority in its duty

40. Any person who at any time hinders, obstructs or molests any local authority or any of its officers, employees, agents or contractors in the performance and execution of its duty or of anything which it is respectively empowered or required to do by virtue or in consequence of this Ordinance, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Ordinance, shall be guilty of an offence: Penalty, a fine of two hundred ringgit and imprisonment for three months.

Recovery of expenses and costs payable by owners

41.—(1) All and any sum payable by or recoverable from the owner or owners in respect of expenses and costs incurred by the local authority in or about the execution of any work which are, under this Ordinance, recoverable from the owner or owners of any premises shall, subject and without prejudice to any other rights of the local authority, be a first charge on the premises in respect of which such expenses or costs have been incurred.

(2) In addition to any other remedies conferred by this Ordinance any such sum may be recovered in the manner hereinafter provided, and the person or persons liable to pay the same shall be the owner or owners at the time when the work was completed.

(3) Any occupier who when requested by or on behalf of the local authority to state the name of the owner of the premises refuses or wilfully omits to disclose or wilfully mis-states the same shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be guilty of an offence: Penalty, a fine of five hundred ringgit.

(4) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay the same, calling on him to pay the same together with a fee of such amount as may be prescribed for the cost of the notice, within fifteen days of the service of such notice.

(5) If no person liable to pay the same can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the local authority and by fixing a copy thereof on some conspicuous part of the premises in respect of which such expenses or costs have been incurred.

(6) At the expiration of the said period of fifteen days or such further period as may be allowed by the local authority, if any such sum or any part thereof remains due and unpaid, it shall be deemed to be in arrears and may be recovered in the manner hereinafter provided.

(7) The charge hereinbefore mentioned shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter such powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon, notwithstanding any change or changes in the ownership or occupation of the premises subsequent to the said date.

Proceedings for recovery of arrears

42.—(1) For the recovery of arrears the local authority shall have and may exercise, either successively or concurrently, in addition to any other remedies conferred by this Ordinance, either or both of the powers following, that is to say—

(a) the local authority may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay the arrears and may also seize any movable property or any crops to whomsoever belonging which are found on the premises in respect of which the arrears are due and may, after service of the prescribed notice, sell the same by public auction in the prescribed manner;

(b) the local authority may, by notice of sale to be served or published in the prescribed manner, declare its intention of selling, at the expiration of three months from the date of such notice of sale, the premises in respect of which the arrears are due and, if, at the expiration of such period, such arrears have not been paid or satisfied, the local authority may sell by public auction, in lots or otherwise, the whole of such premises or such portion thereof or such interest therein as it deems sufficient for recovery of such arrears and costs:

Provided that the local authority shall not proceed under paragraph (b) to sell the premises in respect of which the arrears are due, or any portion thereof or interest therein, where there is or are upon the premises and liable to be seized and sold under paragraph (a) movable property or crops belonging to the owner of a value estimated by the local authority to be sufficient to realize the sum required to satisfy the arrears and costs.

(2) Any tenant, sub-tenant, or occupier, who, in order to avoid the seizure or sale of his property for non-payment of arrears payable by the owner of the premises, pays such arrears and costs may thereafter, in the absence of any written agreement to the contrary, deduct the amount so paid by him from the rent due or to become due by him to his immediate landlord on account of the premises or such part thereof as is held or occupied by him, and may retain possession until such amount has been fully reimbursed to him whether by deduction from the rent or otherwise. Any tenant or sub-tenant who

has reimbursed, whether by allowing a deduction from his rent or otherwise, any sub-tenant or occupier holding or occupying under him the amount so paid by such sub-tenant or occupier shall have a similar right to deduct the amount from the rent due or to become due to his immediate landlord and to retain possession until similarly reimbursed.

(3) The receipt of any duly authorized public officer for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an acquittance in full for the like amount of rent.

(4) If any premises in respect of which arrears are due, or any such movable property or crops as are mentioned in subsection (1) or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the local authority is unable to exercise the remedies hereinbefore conferred, the local authority may notify the sheriff or the bailiff of the Court concerned of the amount of the arrears, and shall be entitled without obtaining a judgment to be paid such amount out of the proceeds of sale of such premises or property in priority to the judgment debtor and to the judgment creditor and to any other creditor.

(5) A certificate from the local authority shall, unless the same be disputed by the judgment debtor, be *prima facie* evidence of the amount of such arrears, and, in case of dispute, the amount shall be summarily determined by the Court.

Attachment

43.—(1) The attachment mentioned in section 42(1)(a) may be made by a person appointed for the purpose by the local authority who shall publicly notify the attachment and shall take an inventory of the property attached.

(2) Such person shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

(3) Such person may break open in daytime any house or building for the purpose of effecting such attachment.

Application of proceeds

44.—(1) The proceeds of a sale under section 42(1) shall be applied in the first place in satisfaction of the arrears together with interest thereon at the rate of six per centum and costs.

(2) In the event of there being any surplus remaining the local authority shall, if satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person or, if not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

(3) If no title is established to such surplus within a period of two years from the date of the sale, it shall be paid into the general revenue of the local authority concerned.

Title conferred by purchase at sale under section 42

45.—(1) The purchaser at a sale held under section 42(1)(b) shall be deemed to have acquired the right offered for sale free from all subordinate interests derived from it except such as are expressly reserved by the local authority at the time of sale.

(2) The local authority shall notify in such manner as it deems fit the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

Cost of proceedings for recovery of arrears

46. All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of such arrears.

Power to stop sale

47. If any person having any interest in any property liable to be sold at any time previous to such sale tenders to the local authority the arrears with interest and costs, the local authority shall thereupon desist from all further proceedings in respect thereof.

Application to Court

48.—(1) If any person whose movable property, crop or land has been attached or advertised for sale disputes the propriety of the attachment or sale, he may apply to the Court for an order to stay the proceedings.

(2) The Court, after hearing the local authority and making such further inquiry as is necessary, shall make such order as is just.

Security to be given

49. No application shall be entertained by the Court under section 48 unless the applicant has deposited in Court the amount of the arrears and costs or given security for the same to the satisfaction of the Court.

Liability of transferor

50.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the local authority in or about the execution of any work which are, under this Ordinance, recoverable from the owner thereof shall continue to be liable for the payment of all such costs and expenses payable in respect of such property and for the performance of all other obligations imposed by this Ordinance upon the owner of such property which become payable or are to be performed at any time before such notice of transfer has been given.

(2) Nothing herein shall affect the liability of the purchaser or transferee to pay such expenses or costs in respect of such property or affect the right of the local authority to recover such costs and expenses from or to enforce any obligation under this Ordinance against the purchaser or transferee.

Proceedings if an occupier opposes the execution of works

51.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of such premises any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, the Court, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such premises as are necessary for carrying into effect the provisions of this Ordinance and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(2) If after the expiration of eight days from the date of the order such occupier continues to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be guilty of an offence: Penalty, a fine of one hundred ringgit, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Disposal of matters and things removed by local authority

52.—(1) Any matter or thing removed by any local authority in executing any work which it is entitled to execute under this Ordinance shall except as otherwise provided be the property of the local authority and may be sold by public auction or, if the local authority thinks the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the local authority and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of such matter or thing.

(3) If such surplus is not claimed within two years it shall be paid into the general revenue of the local authority concerned.

(4) If any matters or things belonging to several persons are removed by the local authority in executing any such work, it shall cause such matters or things, if sold, to be sold separately.

Granting of permits to be discretionary

53.—(1) The grant or renewal of any permit in pursuance of this Ordinance shall be in the discretion of the local authority or person authorized to grant or renew the same and a permit may be granted, renewed or refused without assigning any reason therefor and may be granted or renewed subject to such restrictions and conditions as the local authority or person granting or renewing the same may think fit and such permit shall be subject to suspension or revocation at any time without compensation and without notice by the local authority upon breach of any restriction or condition subject to which it was issued.

(2) The local authority or person authorized to grant or renew such permit may require any applicant therefor to furnish such information as the local authority or that person may reasonably require for a full and proper consideration of the application and in the event of a refusal to furnish such information shall refuse to grant or renew such permit.

(3) Save as otherwise provided, any permit granted or renewed in pursuance of this Ordinance may be for such period not exceeding twelve months as the local authority thinks fit.

(4) There shall be charged for the grant or renewal of any permit such fee, if any, as may be prescribed.

(5) No such permit shall be transferable without the consent of the local authority.

(6) Save as otherwise provided, any person aggrieved by the refusal by any local authority to grant or renew a permit or by the suspension or revocation by such local authority of any permit may within the month of such refusal, suspension or revocation appeal to the Minister whose decision thereof shall be final.

(7) In this section “permit” includes any approval, consent, leave, permission or authorization which may be granted in pursuance of this Ordinance.

Receipts and notices may be given by officer authorized thereunto

54.—(1) All notices, orders, receipts, warrants and other documents of whatsoever nature which a local authority is empowered to give by this Ordinance may be given by any officer or employee authorized thereunto by the local authority.

(2) Where any such notice, order, receipt, warrant or document requires authentication, the signature or a facsimile thereof of the local authority or any officer or employee authorized thereunto by the local authority affixed thereto shall be sufficient authentication.

Service of notice

55.—(1) Every notice, order, summons or document required or authorized by this Ordinance to be served on any person may be served—

(a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;

(b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or

(c) by forwarding the same by post in a prepaid cover addressed to such person at his usual or last known place of abode or business.

(2) A notice, order, summons or document required or authorized by this Ordinance to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises without further name or description.

(3) A notice, order, summons or document required or authorized by this Ordinance to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing the notice, order, summons or document to some conspicuous part of the premises.

Default in compliance with notice. General penalty

56.—(1) When any notice under this Ordinance requires any act to be done or work to be executed by the owner or occupier of any premises and default is made in complying with the requirement of such notice, the person in default shall, where no fine is specially provided for such default, be liable on conviction to a fine of five hundred ringgit or, if any work is required to be done, one hundred ringgit a day during his default.

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Ordinance, it shall fix a reasonable time for complying with the requirement.

Court for trial of offences

57. Any offence under this Ordinance may be tried by a Magistrate Court of competent jurisdiction.

Local authority may direct prosecution

58.—(1) The local authority may direct any prosecution for any offence under this Ordinance and the local authority shall pay such expenses as may be incurred in such prosecution.

(2) Any officer of the local authority or police officer may conduct such prosecution on behalf of the local authority.

Employee of authority may demand names and addresses of certain places

59.—(1) Any person who is charged by any officer or employee of the local authority or any police officer with any offence under this Ordinance shall give his name and address to such officer, employee or police officer, if so required.

(2) The occupier of any premises shall, if required by any officer or employee of the local authority or any police officer, give the name and address of the owner of the premises, if known.

(3) Any person who offends under this section or wilfully misstates his name and address or the name and address of the owner of any premises shall be guilty of an offence: Penalty, a fine of two hundred and fifty ringgit.

Power of arrest

60.—(1) Any police officer or any officer or employee of the local authority duly authorized in writing by the local authority generally or in any particular case may arrest any person committing any offence in his view or who he has reason to believe has committed any offence punishable under this Ordinance—

- (a) if the name and address of the person are unknown to him;
- (b) if the person declines to give his name and address; or
- (c) if there is reason to doubt the accuracy of the name and address, if given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before the Court unless the order of the Court for his detention is obtained.

Saving of prosecution

61. Nothing in this Ordinance shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Ordinance or from being liable under that other written law to any other or higher punishment or penalty than that provided by this Ordinance:

Provided that no person shall be punished more than once for the same offence.

General penalties

62. Any person guilty of an offence under this Ordinance or any bylaws made hereunder for which no penalty is expressly provided shall be liable on conviction to a fine of two thousand ringgit and shall also be liable to a further fine of two hundred ringgit for every day that the offence is continued after conviction.

PART VIII

SUBSIDIARY LEGISLATION

Power to make Orders providing for exemptions from, and for modifications of, the Ordinance

63. The Yang di-Pertua Negeri may by Order*—

(a) amend the First, Second or Third Schedule;

(b) exempt any building or class of building or building works or any area of any local authority from any or all of the provisions of this Ordinance or any bylaws made hereunder; or

*(c) modify, in their application to any local authority area or part thereof, any of the provisions of this Ordinance or any bylaws made hereunder.

Power to make bylaws

64.—(1) The Yang di-Pertua Negeri shall have the power to make bylaws which shall be operative throughout the whole of any local authority area or only in such parts of the local authority area as may be prescribed in the bylaws for or in respect of every purpose which is deemed by him necessary for carrying out the provisions of this Ordinance, and for prescribing any matter which is authorized or required under this Ordinance to be prescribed, and in particular and without prejudice to the generality of the foregoing for or in respect of all or any of the matters specified hereunder—

(a) the construction, alignment and elevation of all buildings or other structures and all parts thereof and the methods and materials to be used in connection therewith, for compelling the demolition, pulling down, removal or rendering safe of all buildings, walls, bridges, earthworks and verandahs of an unsafe or dangerous character, or which have been allowed to fall into a dilapidated condition, and for doing any such work at the cost of the owner and recovering such cost;

* See Swk. L.N. 7/96 and page 303 of this Book.

(ai) the submission of plans, specifications, calculations, particulars, documents and reports relating to erection of building, the persons qualified to submit the same and their duties and responsibilities, the form and nature or classification of plans, calculations, particulars, documents and reports which such person shall submit;

(aⁱⁱ) the manner and procedure for making an application for the approval of plans and specifications for erection of building;

(aⁱⁱⁱ) the planning, design and erection of building including—

(A) the structural strength of the building;

(B) the stability of the building;

(C) precautions against overloading;

(D) measures to safeguard adjacent buildings; and

(E) underpinning;

(a^{iv}) the provision of embankments and retaining walls;

(a^v) the submission of particulars of qualified persons, contractors, skilled construction workers and construction site supervisors engaged or employed for the purposes of or in the erection of building;

(a^{vi}) the prescribing of documents, books or records to be kept and reports or certificates to be made or issued under this Ordinance;

(a^{vii}) the time, manner and procedure for making applications for temporary occupation permit, partial occupation permit and occupation permit;

(a^{viii}) the manner and procedure for the sampling of building materials;

(aix) the manner for carrying out periodical inspection of buildings and the form in which the reports required in relation thereto shall be submitted;

(ax) the powers, duties and functions of the Chief Inspector of Buildings;

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(b) prohibiting or regulating the erection or use of back-to-back buildings, and ensuring sufficient light, air space and ventilation between buildings, and adequate light and through ventilation within buildings;

(c) prohibiting the owner or occupier of any property from allowing any wells or other excavations thereon to be in an unprotected or dangerous state, and compelling the fencing, filling in or covering over of wells or excavations which are in such a state, and doing such work at the cost of the owner or occupier and recovering such cost;

(d) regulating, controlling or prohibiting the erection or use of temporary or movable structures, whether standing on wheels or otherwise, and prohibiting or restricting the use for business or dwelling purposes of tents or similar structures;

(e) preventing the discharge by any guttering or downpipe on to any road, pavement or footway, and securing, regulating and controlling the laying down of pipes to carry any outflow therefrom to such gutter or drain as may be authorized or approved by the local authority for the purpose;

(f) preventing or regulating the erection of buildings on ground contaminated by any faecal, animal or vegetable matter;

(g) requiring and regulating the lighting and cleansing of lifts, stairways and passages used in common by different tenants of the same building, and the cleansing, drainage and paving of courts, yards and open spaces used in connection with domestic buildings;

(h) preventing the alteration of any building in such manner as to cause, either in itself or from the circumstances or nature of the locality in which it is situated, a disfigurement to the local authority area, and preventing the use of any property in such manner as to cause annoyance to the inhabitants of such locality, and securing the removal of projections over streets;

(i) preventing the erection of any building whatsoever which, in the opinion of the local authority, is or is likely to be objectionable by reason of either the nature or construction of the building itself, or the uses to which it is to be put, or its environment;

(j) regulating or prohibiting the use for human habitation of any building not erected for that purpose;

(k) preventing the sub-division or alteration of buildings in such a manner as might be calculated to be injurious to health, or to depreciate the value of properties in the locality, or to cause annoyance to the inhabitants of the neighbourhood;

(l) preventing buildings or lands being put to uses which might be calculated to depreciate the value of neighbouring property or to interfere with the convenience or comfort or safety of neighbouring occupiers;

(m) regulating, restricting or prohibiting the erection of buildings of wood, or wood and metal, or palm leaf, or any other impermanent material, or of hoardings or fences;

(n) regulating the inspection of buildings by the local authority, its officers and servants, and regulating the erection and use of scaffolding and hoarding during the construction, demolition, repair or alteration of any building;

(o) determining and regulating—

(i) the structure of walls, foundations, roofs, chimneys, windows, guttering, downpiping and all other parts of buildings, whether new or already existing, in order to secure stability, sufficient height, light and ventilation, and the proper carrying off of rainwater as well as for the prevention of fires and for purposes of health;

(ii) the dimensions of rooms, cubicles, staircases and other parts of buildings;

(iii) the sufficiency of the space about buildings in order to secure a free circulation of air and the proper ventilation of buildings;

(iv) the closing of buildings or parts of buildings which are unfit for human habitation;

(v) the frontage of, air space about, lighting, air-conditioning, ventilation, height of and approaches and entrances to, the provisions of parking places for vehicles in or for and exits from buildings;

(vi) the provisions of arcades, footways and roads;

(vii) the provision, maintenance and repair in any building or on any premises of a water supply, sanitary accommodation, sink accommodation, bathing and washing accommodation;

(viii) the construction, maintenance and repair in any building or on any premises of lifts and the provision of light and air thereto; or

(ix) the provision of refuse chutes in multi-storey building;

(p) giving of notice and the deposit of plans, specifications and sections, and payment of charges in respect thereof, by persons wishing to construct, alter or repair buildings, and the approval or otherwise of all plans, specifications and sections of any such building, alteration or repair, and the removal, alteration or pulling down, at the cost of the owner, of any work begun or done in contravention of any bylaw or any direction lawfully given thereunder, and preventing the occupation of any new or altered building until a certificate of the fitness thereof for habitation has been issued by the proper authority;

(q) providing that plans for the construction, alteration and repair of buildings, or specified classes of buildings, shall be accepted by the local authority only if they are prepared by architects or persons whom the local authority recognizes as qualified to act for this purpose as architects or engineers, as the case may be;

(r) prescribing forms of permits, notices and other documents for use in connection with this Ordinance;

(s) securing the prevention, and the prevention of the spread and extinguishment of fire, including the provision—

(i) for building materials to be fire resisting and for fire resistance grading of such materials;

(ii) regarding methods of construction and design of any building to secure its safety from fire;

(iii) for means of escape from any premises in the event of fire and for the maintenance of such means of escape;

(iv) for fire stops and fire breaks;

(v) with regard to access to premises for the fire brigade in the event of fire, and means of access within a building for fire fighting purposes;

(vi) for the ventilation of buildings for the purpose of removing gases and smoke that may be caused by fire;

(vii) for fire fighting equipment both manual and automatic and of fire detectors and fire alarms and their maintenance;

(viii) for an adequate supply of water for fire fighting purposes; and

(ix) for any other measures for the safety of fires and the prevention and spread of fire;

(t) prescribing the maximum period which may elapse between approval of building plans by the local authority and the commencement and completion of building;

(u) to require the owner or occupier of premises, or any other person having a duty under this Ordinance to execute any work or perform any act necessary in the opinion of the local authority to secure compliance with this Ordinance and in default of compliance with such requirement on the part of such owner or occupier or other person, to authorize the local authority to execute such work or perform such act itself and to recover the expenses and costs incurred by it in or about the execution of such work or the performance of any such act, from such owner, occupier or other person, as the case may be;

(v) in case of emergency or where the owner cannot after due enquiry be found, to authorize the local authority to execute such work or perform such act itself without first requiring the owner, occupier or other person as aforesaid to do so, and to recover the expenses and costs incurred by it in or about the execution of such work or the performance of such act from such owner, occupier or other person;

(w) to apportion responsibility for failure to any building or parts of a building and to require any person or class of persons to report such failures and to explain the causes of such failure;

(x) the payments to be made for, and other incidents of, permits issued under this Ordinance;

(y) the fees, costs and other sums charged for any matter or thing required or authorized to be done under this Ordinance;

(z) the collection, remission, rebate or deferment of payment of any sum required to be paid under this Ordinance;

(aa) the offences under this Ordinance and any bylaws made hereunder which may be compounded by the local authority, the persons who may compound, the limit of the sum of money to be collected by such local authority for compounding such offences and the procedure and forms to be complied with in compounding;

(bb) in so far as they do not fall within any of the preceding paragraphs, all procedural and other matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying or giving effect to the provisions of this Ordinance; and

(cc) providing for the punishment of offences, which may extend—

[Am. Cap. A52.]

(i) in the case of first offence, to a fine of five thousand ringgit; and

(ii) in the case of a continuing offence, to imprisonment for one year and a fine of two hundred ringgit for every day during which the offence is continued after conviction.

(2) Any bylaw may further provide that, in addition to or in substitution for any such penalty, any expense incurred in consequence of any breach or contravention of such bylaw, or in the execution of any work directed by any such bylaw to be executed by any person and not executed by him, whether performed by the local authority or by some contractor on its behalf, plus a surcharge of not more than fifteen *per centum* of such expense, shall be paid by the person committing such breach or failing to execute such work.

(3) The provision of section 41 shall apply to any sum recoverable under this section.

(4) Any bylaw may further provide for the forfeiture to the local authority of any movable property used in the commission or contravention of any bylaw, and for the seizure of any such property and of any property which there is reasonable ground to believe is evidence of any such contravention:

Provided that no bylaw shall be valid which provides for forfeiture otherwise than upon conviction and by order of the Court.

(5) Any bylaw may further provide for the disposal, whether by sale, destruction or otherwise howsoever, of any movable property which the local authority or any of its officers may have lawfully seized or become possessed of; and, in the case of disposal by way of sale, may provide for the sale of property under the value of one hundred ringgit otherwise than by public auction:

Provided that, where any property is disposed of pursuant to any such bylaw otherwise than by way of destruction, the following provisions shall apply—

(a) reasonable steps shall be taken to enable the owner to make a claim;

(b) the owner shall, for a period of not less than three months from the date of sale, having the same right to the proceeds of any sale as he would have had to the property sold.

(6) Subsections (4) and (5) shall have effect without prejudice to any express provision of this Ordinance in relation to such matters.

(7) Where any bylaw prohibits, restricts or regulates the doing of any act and such bylaw requires any person to obtain a permit from a specified authority before the doing of such act, such bylaw may provide for a deposit of such sum or the execution of a bond, with or without sureties, in such sum as may be prescribed in such bylaw, such sum to be refunded, or such bond to be void, as the case may be, if the person to whom such permit is granted complies with all the conditions of such permit.

(8) Subject to the provisions of any Order made under section 63, the bylaws contained in the Fourth Schedule shall, to the extent therein provided, apply to the areas specified in the First Schedule until replaced by bylaws made under this section, and shall be deemed to be bylaws made under this section.

PART IX

REPEAL, SAVING AND TRANSITIONAL PROVISIONS

Repeal and saving

65.—(1) The Ordinances specified in the first column of the Third Schedule are repealed to the extent specified in the second column thereof.

(2) Notwithstanding the repeal of the Ordinances effected by subsection (1), every permit in relation to the erection, construction and use of buildings granted or issued thereunder and in force prior to the commencement of this Ordinance shall be deemed to be granted or issued under this Ordinance, and any fees which have been paid in respect of any period still current when this Ordinance comes into operation shall be deemed to have been paid under the provisions of this Ordinance.

Buildings to which Parts VI and VII of the Fourth Schedule apply

66. Buildings which on the date of commencement of this Ordinance have been erected, or in the course of being erected or have not been erected but plans have been submitted and approved, and which according to bylaw 112 of the Building Bylaws contained in the Fourth Schedule fall within the classification of place of assembly, shop, office, other residential buildings exceeding 18.5 metres and buildings which are classified as hazardous or special risks shall be modified or altered to comply with Parts VI and VII of the Building Bylaws contained in the Fourth Schedule within—

(a) one year from the date of commencement of this Ordinance, in the case of buildings up to three storeys; and

(b) three years from the date of commencement of this Ordinance, in the case of buildings exceeding three storeys.

Power of local authority to extend period, etc., specified in section 66.

67.—(1) Notwithstanding section 66, the local authority may where it is satisfied that it is justifiable to do so—

(a) allow an extension or further extensions of the period within which the requirements under Parts VI and VII of the Building Bylaws contained in the Fourth Schedule are to be complied with; or

(b) allow variations, deviations or exemptions as it may specify from the provisions of Parts VI and VII of the Building Bylaws contained in the Fourth Schedule.

(2) Any person aggrieved by the decision of the local authority under subsection (1) may within thirty days of the receipt of the decision appeal in writing to the Minister, whose decision shall be final.

Power of Minister to make transitional provisions, etc.

68. The Minister may, by regulations, make such provision as he may consider necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Ordinance, and any such regulations may be so made so as to have effect as from the commencement of this Ordinance.

FIRST SCHEDULE

(Sections 1(1) and 63(a))

AREAS TO WHICH THIS ORDINANCE APPLIES

<i>1</i>	<i>2</i>	<i>3</i>
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
All that part of the area under the jurisdiction of—		
(a) The Commission of City of Kuching North as defined hereunder— within the limits of the City of Kuching North as described in the Schedule to the City of Kuching North Ordinance, 1988 [<i>Cap. 49</i>];	1st October, 1994	The whole.
(b) The Council of the City of Kuching South as defined hereunder— within the limits of the Council of the City of Kuching South as described in the Second Schedule to the Local Authorities Ordinance, 1996 [<i>Cap. 20</i>];	1st October, 1994	The whole.
(c) The Sibu Municipal Council as defined hereunder— within the local authority area as described in paragraph 5(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [<i>Swk. L.G. 23/81</i>];	1st October, 1994	The whole.

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
<p>(d) The Miri City Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 3(1) of Swk. L.G. 24/2005</p>	20th May, 2005	The whole.
<p>(e) The Bintulu Development Authority as defined hereunder—</p> <p>within all designated areas declared as such by the Yang di-Pertua Negeri under section 8(1) of the Lembaga Kemajuan Bintulu (Bintulu Development Authority) Ordinance, 1978 (<i>Ord. No. 1/78</i>);</p>	1st October, 1994	The whole.
<p>(f) The Padawan Municipal Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 1(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [<i>Swk. L.G. 23/81</i>];</p>	1st October, 1994	The town and suburban lands of the Padawan Municipal Council.
<p>(g) The Sarikei District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 4(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [<i>Swk. L.G. 23/81</i>];</p>	1st October, 1994	The town and suburban lands of the Sarikei District Council.

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
<p>(h) The Samarahan District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 2(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81];</p>	1st October, 1994	The town and suburban lands of the Samarahan District Council.
<p>(i) The Serian District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 2(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81];</p>	1st October, 1994	The town and suburban lands of the Serian District Council.
<p>(j) The Sri Aman District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 3(d) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81];</p>	1st October, 1994	The town and suburban lands of the Sri Aman District Council.

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
<p>(k) The Kapit District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 6 of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81];</p>	1st October, 1994	The town and suburban lands of the Kapit District Council.
<p>(l) The Limbang District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 8(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st October, 1994	The town and suburban lands of the Limbang District Council.
<p>(m) The Lundu District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 1(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81]</p>	1st November, 2000	The town and suburban lands of the Lundu District Council.

1 <i>Area</i>	2 <i>Date of Application</i>	3 <i>Extent of Application</i>
<p>(n) The Simunjan District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 2(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Simunjan District Council.
<i>[Am. Swk. L.N. 71/2001.]</i>		
<p>(o) The Saratok District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 3(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Saratok District Council.
<p>(p) The Lubok Antu District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 3(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Lubok Antu District Council.

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
<p>(q) The Betong District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 3(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Betong District Council.
<i>[Am. Swk. L.N. 71/2001.]</i>		
<p>(r) The Matu and Daro District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 4(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Matu and Daro District Council
<p>(s) The Maradong and Julau District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 4(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Maradong and Julau District Council.

1 <i>Area</i>	2 <i>Date of Application</i>	3 <i>Extent of Application</i>
<p>(t) The Knowit District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 5(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Kanowit District Council.
<i>[Am. Swk. L.N. 71/2001.]</i>		
<p>(u) The Dalat and Mukah District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 5(b) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Dalat and Mukah District Council.
<p>(v) The Sibu Rural District Council as defined hereunder—</p> <p>within the local authority area as described in paragraph 5(d) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].</p>	1st November, 2000	The town and suburban lands of the Sibu Rural District Council

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
(w) The Marudi District Council as defined hereunder— within the local authority area as described in paragraph 7(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].	1st November, 2000	The town and suburban lands of the Marudi District Council.
(x) The Subis District Council as defined hereunder— within the local authority area as described in paragraph 7(c) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L. G. 23/81].	1st November, 2000	The town and suburban lands of the Subis District Council.
(y) The Lawas District Council as defined hereunder— within the local authority area as described in paragraph 8(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].	1st November, 2000	The town and suburban lands of the Lawas District Council.

[Am. Swk. L.N. 71/2001.]

1	2	3
<i>Area</i>	<i>Date of Application</i>	<i>Extent of Application</i>
(z) The Bau District Council as defined hereunder	1st January, 2005	The town and suburban lands of the Bau District Council.
within the local authority area as described in paragraph 1(a) of the First Schedule to the Local Authority (Restructuring of Local Councils) Order, 1981 [Swk. L.G. 23/81].		

[Am. Swk. L. N. 163/2004.]

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SECOND SCHEDULE*(Sections 1(3)(a) and 63(a))***(1) DWELLING HOUSES**

Except for bylaw 120 and bylaw 215(2), the provisions of Parts VI and VII of the Building Bylaws specified in the Fourth Schedule to this Ordinance shall not apply to private dwelling houses, detached or semi-detached and terrace houses intended for single family occupancies.

(2) BUILDING WORKS WHICH DO NOT REQUIRE APPROVAL OF PLANS AND SPECIFICATIONS

Any building works carried out for or in connection with the following forming part of a bungalow, semi-detached, terraced or linked house used solely for residential purpose—

- (a) any simple awning or windowhood of light structure not exceeding 2 metres in length,
- (b) any orchid or flower shed or pergolas,
- (c) any dog kennel not exceeding 5 square metres in floor area,
- (d) any car shed with an aggregated total roof area not exceeding 50 square metres for any single dwelling unit capable of being entered by motor cars,
- (e) any lean-to drying shed with eaves not less than 2 metres from the boundary and not exceeding 50 square metres in roof area,
- (f) any gate and fence not exceeding 1.5 metres in height, and
- (g) any replacement of materials for existing building not involving structural alteration:

Provided that a minimum clearance of not less than 1.6 metres, unless otherwise allowed, is maintained and upon completion of the works, the local authority shall be notified in writing.

(3) TELECOMMUNICATION TOWERS

Telecommunication towers, the plans for the erection thereof have been approved by the State Planning Authority under Part X of the Land Code [*Cap. 81 (1958 Ed.)*].

[*Am. Swk. L. N. 105/2005 w.e.f. 1.1.2005.*]

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THIRD SCHEDULE*(Sections 63(a) and 65)*

REPEAL

<i>1</i>	<i>2</i>
<i>Title of Legislation</i>	<i>Extent of Repeal</i>
1. <i>Ordinance</i>	
(a) The Kuching Municipal Ordinance (<i>Cap. 116 (1958 Ed)</i>) as modified by the City of Kuching Ordinance, 1988 (<i>Ord. No. 2/88</i>) to apply to the City of Kuching North.	Section 104(1)(b), (c), (j), (k), (l), (m) and (n). Sixth Schedule - paragraphs (24) and (26).
(b) The Kuching Municipal Ordinance (<i>Cap. 116 (1958 Ed)</i>) as modified by the City of Kuching Ordinance, 1988 (<i>Ord. 2/88</i>) to apply to the City of Kuching South.	Section 104(1)(b), (c), (j), (k), (l), (m) and (n). Sixth Schedule - paragraphs (24) and (26).
(c) The Local Authority Ordinance (<i>Cap. 117 (1958 Ed)</i>) as amended by <i>Ord. No.3/89</i> . (Except in so far as the Ordinance affects the areas of the Sibü and Miri Municipal Councils, Bintulu Development Authority, Kuching Rural and Sarikei District Councils specified in items (c) to (g) in column 1 of the First Schedule to this Ordinance).	(i) Sections 30(6), 35, 36, 37 and 41. (ii) First and Second Schedules - all references to sections 35, 36, 37 and 41.
2. <i>Subsidiary Legislation</i>	
(a) Kuching Municipal Bylaws (Vol. IV of 1948 Revised Edition of the Laws) as extended by <i>Ord. No. 10/64</i> .	Chapter 3 - (Buildings) (as amended by <i>Swk. L.G. 31/71</i>) - in so far as it affects the areas specified in item (a) of column 1 of the First Schedule to this Ordinance.

Title of Legislation

- (b) Kuching Municipal Bylaws (Vol. IV of 1948 Revised Edition of the Laws) as extended by *Ord. No. 10/64*.
- (c) The Sibü Municipal Bylaws as extended by *Ord. No. 10/64*.
- (d) The Miri Municipal Bylaws as extended by *Ord. No. 10/64*.
- (e) The Fourth Division (General) Bylaws as extended by *Ord. No. 10/64*.
- (f) The Kuching Rural District Council (Regulations of Building) Bylaws, 1962, as amended by *Swk. L.G. 26/80*.
- (g) The Sarikei Municipal Bylaws as extended by *Ord. No. 10/64*.
- (h) The First Division (General) Bylaws as extended by *Ord. No. 10/64*.
- (i) The Batang Lupar District Council (Regulation of Building) Bylaws, 1960 (*G.N.L. 52/60*).

Extent of Repeal

- Chapter 3 - (Buildings) (as amended by *Swk. L.G. 31/71*) - in so far as it affects the areas specified in item (b) of column 1 of the First Schedule to this Ordinance.
- Chapter V - (Building Regulations) - in so far as it affects the areas specified in item (c) in column 1 of the First Schedule to this Ordinance.
- Chapter V - (Buildings) - in so far as it affects the areas specified in item (d) in column 1 of the First Schedule to this Ordinance.
- Chapter IV - (Streets and Buildings) - in so far as it affects the areas specified in item (e) in column 1 of the First Schedule to this Ordinance.
- The whole Bylaws in so far as they affect the areas specified in items (f) and (h) in column 1 of the First Schedule of this Ordinance.
- Chapter V - (Buildings) - in so far as it affects the areas specified in item (g) in column 1 of the First Schedule to this Ordinance.
- Chapter V - (Streets and Buildings) - in so far as it affects the areas specified in item (i) in column 1 of the First Schedule to this Ordinance.
- The whole Bylaws in so far as they affect the areas specified in item (j) in column 1 of the First Schedule to this Ordinance.

- (j) The Third Division (General) Bylaws as extended by *Ord. No. 10/64*. Chapter VII - (Streets and Buildings) - in so far as it affects the areas specified in item (k) in column 1 of the First Schedule to this Ordinance.
- (k) The Limbang District Council (Regulation of Building) By- laws, 1960 (*G.N.L. 36/60*). The whole Bylaws in so far as they affect the areas specified in item (l) in column 1 of the First Schedule to this Ordinance.
- (l) The First Division (General) Bylaws as extended by *Ord. No. 10/64* Chapter V – (Streets and Buildings) – in so far as it affects the areas specified in item (m) in column 1 of the First Schedule to this Ordinance.
- (m) The First Division (General) Bylaws extended by *Ord. No. 10/64* Chapter V – (Streets and Buildings) – in so far as it affects the areas specified in item (n) in column 1 of the First Schedule to this Ordinance.
- (n) The Second Division (General) Bylaws as extended by *Ord. No. 10/64* Chapter VIII – (Kampung Regulations) – in so far as it affects the areas specified in item (o) in column 1 of the First Schedule to this Ordinance.
- (o) The Second Division (General) Bylaws as extended by *Ord. No. 10/64* Chapter IV – (Streets and Buildings) – in so far as it affects the areas specified in item (p) in column 1 of the First Schedule to this Ordinance.
- (p) The Second Division (General) Bylaws as extended by *Ord. No. 10/64* Chapter VIII – (Kampung Regulations) – in so far as it affects the areas specified in item (q) in column 1 of the First Schedule to this Ordinance.
- (q) The Third Division (General) Bylaws as extended by *Ord. No. 10/64* Chapter VII – (Streets and Buildings) – in so far as it affects the areas specified in item (r) in column 1 of the First Schedule to this Ordinance.
[*Am. Swk. L.N. 71/2001.*]

- (r) The Binatang Municipal Bylaws as extended by Ord. No. 10/64 Chapter V – (Building Regulations) – in so far as it affects the areas specified in item (s) in column 1 of the First Schedule to this Ordinance.
- (s) The Third Division (General) Bylaws as extended by Ord. No. 10/64 Chapter VII – (Streets and Buildings) – in so far as it affects the areas specified in item (t) in column 1 of the First Schedule to this Ordinance.
- (t) The Third Division (General) Bylaws as extended by Ord. No. 10/64 Chapter VII – (Streets and Buildings) – in so far as it affects the areas specified in item (u) in column 1 of the First Schedule to this Ordinance.
- (u) The Third Division (General) Bylaws as extended by Ord. No. 10/64 Chapter VII – (Streets and Buildings) – in so far as it affects the areas specified in item (v) in column 1 of the First Schedule to this Ordinance.
- (v) The Fourth Division (General) Bylaws as extended by Ord. No. 10/64 Chapter IV – (Streets and Buildings) – in so far as it affects the areas specified in item (w) in column 1 of the First Schedule to this Ordinance.
- (w) The Fourth Division (General) Bylaws as extended by Ord. No. 10/64 Chapter IV – (Streets and Buildings) – in so far as it affects the areas specified in item (x) in column 1 of the First Schedule to this Ordinance.
- (x) The Fifth Division (General) Bylaws as extended by Ord. No. 10/64 Chapter IV – (Streets and Buildings) – in so far as it affects the areas specified in item (y) in column 1 of the First Schedule to this Ordinance.

[Am. Swk. L.N. 71/2001.]

- (y) The First Division (General) Bylaws as extended by Ord. No. 10/64 Chapter V – (Streets and Buildings) – in so far as it affects the areas specified in item (z) in column 1 of the First Schedule to this Ordinance.

[Am. Swk. L.N. 163/2004.]

LAWS OF SARAWAK

Chapter 8

BUILDINGS ORDINANCE, 1994

LIST OF AMENDMENTS

Amending Law		Short Title	In force from
Cap. A52	...	Building (Amendment) Ordinance, 1994	1.11.1998
Swk. L.N. 71/2001	...	Buildings (Amendment of First and Third Schedules) Order, 2001	1.11.2000
Swk. L.N. 95/2001	...	Buildings (Amendment) Bylaws, 2001	1.1.2001/ 1.1.2002
Swk. L.N. 163/2004	...	Buildings, (Amendmen of First and Third Schedules) Order, 2004	1.1.2005
Swk. L.N. 39/2007	...	Buildings (Amendment) Bylaws, 2007	1.10.1994