



ST HELENA

**(Chapter No. not allocated yet)**

## **BUILDING CONTROL ORDINANCE**

### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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### **BUILDING CONTROL ORDINANCE**

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Ordinance 10 of 2013 ... in force on 26 August 2014

Amended by LN 21 of 2013

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<sup>1</sup>These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

## BUILDING CONTROL ORDINANCE

*(Ordinance 10 of 2013 and Legal Notice 21 of 2013)*

AN ORDINANCE TO MAKE PROVISION FOR BUILDING REGULATIONS; AND FOR THE APPOINTMENT OF BUILDING INSPECTORS; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

### Commencement

[26 August 2014<sup>2</sup>]

### Citation, commencement and interpretation

1. (1) This Ordinance may be cited as the Building Control Ordinance, 2013, and shall come into force on such date or dates as the Governor shall appoint by Order.

(2) An Order under subsection (1) may appoint different dates for different provisions or for different purposes of the same provision.

(3) An Order under subsection (1) may contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient.

(4) In this Ordinance, any word or phrase that has been assigned a meaning in the Land Planning and Development Control Ordinance, 2013, shall bear the meaning so assigned, and—

“**Building Inspector**” includes the Chief Building Inspector, and any Assistant Building Inspector, appointed under the provisions of section 3; and

“**building**” includes both new buildings and alterations of, or extensions to, existing buildings.

### Building Regulations to be made

2. (1) The Governor in Council may, for the purposes referred to in subsection (2), make regulations (to be known as “Building Regulations”) with respect to—

(a) the methods and standards of construction of buildings and structures and systems associated with buildings, including such structures and systems for the supply of water and electricity and disposal of waste water; and

(b) matters generally, for carrying the purposes under subsection (2) into effect.

(2) The purposes of the Building Regulations are—

(a) to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings;

(b) to further the conservation of energy;

(c) to prevent waste, undue consumption, misuse or contamination of water and make arrangements for disposal of waste water;

(d) to further the prevention or detection of crime.

(3) Building Regulations may apply to—

(a) all buildings in St Helena; or

(b) to such types or classes of buildings, or to buildings in such places or localities, as

<sup>2</sup> Commencement date appointed in L.N. 24 of 2014.

may be prescribed,  
and may make different provision to apply to different buildings, parts of buildings or classes of buildings, or to buildings in different places or localities.

(4) Except in so far as the Building Regulations provide otherwise, the requirements of the Building Regulations shall apply in relation to work carried out, or proposed to be carried out, by or on behalf of the Crown.

(5) Building Regulations may include provisions requiring—

- (a) the depositing with a Building Inspector of plans, sections, specifications and written particulars of any building which any person proposes or intends to construct or erect;
- (b) the giving of notices and certificates, the inspection of work, (including the power to require the uncovering of work which has been covered prior to inspection), the testing of drains and sewers, and the taking by a Building Inspector of samples of materials to be used in the construction of buildings or in the execution of other works; and
- (c) the payment of fees for anything done or to be done pursuant to this Ordinance or the Building Regulations.

### **Building Inspectors**

3. (1) The Governor shall appoint a Chief Building Inspector, and such number (if any) of Building Inspectors and Assistant Building Inspectors as he considers necessary or convenient for the purposes of carrying into effect the provisions of this Ordinance.

(2) The Building Inspectors shall have such powers and functions as are conferred upon them by this Ordinance or by Building Regulations, and shall exercise those powers and perform those functions under the general superintendence of the Chief Planning Officer appointed under the Land Planning and Development Control Ordinance, 2013.

(3) The Building Inspectors shall administer and enforce this Ordinance and the Building Regulations and, for that purpose, may (at any reasonable time) enter on any land or in any building—

- (a) for the purpose of ascertaining whether there is, or has been, a contravention of the Building Regulations on or in connection with the land or building, or
- (b) for the purpose of taking any action, or executing any work, authorised or required by this Ordinance or by the Building Regulations; or
- (c) generally for the purpose of the performance of his functions under this Ordinance or the Building Regulations.

(4) Before exercising any powers under subsection (3), a Building Inspector shall, so far as is practicable to do so, identify himself to the occupier or other person who is or appears to be in control of the land or building concerned.

(5) The powers conferred by this section shall be deemed to extend to permit a Building Inspector to make such examination and inquiries as are necessary to achieve the intended purpose of such entry.

### **Contravention of building regulations**

4. (1) Subject to subsection (7), if it appears to the Chief Building Inspector that there has been a contravention of the Building Regulations on or in connection with any land or building, he may issue and serve on the owner or occupier of such land or building a notice

(hereinafter referred to as an “enforcement notice”) ordering such owner or occupier to take such steps as are necessary to ensure that such land or building complies with the Building Regulations.

(2) An enforcement notice shall state—

- (a) the person or persons to whom it is addressed;
- (b) the land or building to which it relates;
- (c) the Building Regulation which has been contravened;
- (d) the steps which must be taken to rectify the alleged contravention and the time, being not less than two months, within which such steps must be taken;
- (e) the powers of the Chief Building Inspector under subsection (4) in the case of default in compliance with the notice;
- (f) the penalties which may be incurred if the steps specified in paragraph (d) are not taken;
- (g) the right of the owner and occupier of the land or building which is the subject of the enforcement notice to appeal against such enforcement notice under subsection (6).

(3) The steps which may be specified for the purposes of subsection (2)(d) may be all or any of the following namely—

- (a) to demolish or remove a building in whole or in part;
- (b) to erect, re-erect or alter a building in whole or in part;
- (c) to carry out any building or other operations on the land or building to which the notice relates;

(4) Where a person on whom an enforcement notice has been served fails to take the action required by the notice to rectify the contravention, the Chief Building Inspector may, subject to any appeal against the issue of the enforcement notice, enter the land or building and take all such necessary action in respect of the contravention to enforce the notice as he may see fit.

(5) If the Chief Building Inspector has exercised any power under subsection (4), he may recover as a civil debt, from any person upon whom the notice has been served, those expenses reasonably incurred in the exercise of such power, and if that person, having been entitled to appeal under subsection (6) has failed to make such an appeal, he shall not be entitled in any proceedings to dispute the validity of the action taken by the Chief Building Inspector upon any ground that could have been entertained on such an appeal.

(6) A person to whom an enforcement notice is issued under subsection (1), may appeal to the Tribunal established under the Land Planning and Development Control Ordinance, 2013; the Building Regulations shall prescribe the procedures to be adopted in relation to such appeals, and the powers of the Tribunal when determining such an appeal.

(7) An enforcement notice under subsection (1) shall not be issued in respect of any building after a period of five years from the date on which the contravention of the building regulations first occurred.

## Offences

5.<sup>3</sup> Any person who, without reasonable excuse—

- (a) fails to comply with any requirement of the building regulations, or of an enforcement notice; or
- (b) wilfully obstructs a Building Inspector in the performance of any of his functions under this Ordinance or the Building Regulations,

<sup>3</sup> Section 5 corrected by LN 21 of 2013

is guilty of an offence for which the maximum penalty upon conviction is imprisonment for five years or a fine, or both.

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