



Building Act 1984

1984 CHAPTER 55

PART III

OTHER PROVISIONS ABOUT BUILDINGS

Buildings

73 Raising of chimney.

- (1) Where, after the ^M3rd October 1961 (which was the date of commencement of the relevant provisions of the Public Health Act 1961)—
- (a) a person erects or raises a building (in this section referred to as “the taller building”) to a greater height than an adjoining building, and
 - (b) any chimneys or flues of an adjoining building are in a party wall between the two buildings or are six feet or less from the nearest part of the taller building,
- the local authority may by notice—
- (i) require that person, within such time as may be specified in the notice, to build up those chimneys and flues, if it is reasonably practicable so to do, so that their top will be of the same height as the top of the chimneys of the taller building or the top of the taller building, whichever is the higher, and
 - (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him,
- except that, if the said owner or occupier, within fourteen days from the date of service of the notice on him, serves on the first-mentioned person and on the local authority a notice (in this section referred to as a “counter-notice”) that he elects to carry out the work himself, the owner or occupier shall comply with the notice served under paragraph (i) above instead of the first-mentioned person and may recover the expenses reasonably incurred in so doing from that person.
- (2) A person on whom a notice is served under paragraph (i) or paragraph (ii) of subsection (1) above may appeal to a magistrates’ court.

Status: Point in time view as at 02/05/2018. This version of this provision has been superseded.

Changes to legislation: Building Act 1984, Section 73 is up to date with all changes known to be in force on or before 23 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) If—

- (a) a person on whom a notice is served under paragraph (i) of subsection (1) above fails to comply with the notice, except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building, or has refused to allow the carrying out of any such work as may be necessary to comply with the notice, or has served a counter-notice, or
- (b) a person on whom a notice is served under paragraph (ii) of subsection (1) above fails to comply with the notice or, having served a counter-notice, fails to comply with the notice served under paragraph (i) of that subsection,

he is liable on summary conviction to a fine not exceeding level 1 on the standard scale, and the local authority may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (1), and recover the expenses reasonably incurred in doing so from the person on whom that notice was served.

Marginal Citations

M1 1961 c. 64.

Status:

Point in time view as at 02/05/2018. This version of this provision has been superseded.

Changes to legislation:

Building Act 1984, Section 73 is up to date with all changes known to be in force on or before 23 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.