



ANNO DECIMO

GEORGII VI REGIS.

A.D. 1946.

No. 10 of 1946.**An Act to amend the Building Act, 1923-1940.**

[Assented to 24th October, 1946.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Building Act Amendment Act, 1946 ".

(2) The Building Act, 1923-1940, as amended by this Act, may be cited as the " Building Act, 1923-1946 ".

(3) The Building Act, 1923-1940, is hereinafter referred to as " the principal Act ".

Amendment of
principal Act,
s. 9a—
Power to
disapprove
plans.

2. Section 9a of the principal Act is amended—

- (a) by striking out the words " the surveyor and " in the last line of subsection (1) thereof ;
- (b) by striking out the words " the surveyor and " in the third line of subsection (2) thereof ;
- (c) by striking out the words " any two or more of the surveyors and " in the first line of subsection (3) thereof ;
- (d) by adding at the end of subsection (3) thereof the words " If the referees do not agree then the matter shall be referred to an umpire as provided by section 73, and the decision of the umpire shall, for the purpose of this section, be deemed to be the decision of the referees ".

- 3.** Section 56 of the principal Act is amended—
- (a) by inserting after the word “repair” in paragraph (c) of subsection (2) thereof the word “or”; and
- (b) by inserting in subsection (2) thereof after paragraph (c) thereof the following paragraph:—
- (d) by reason of its uncompleted state and of neglect, in a condition prejudicial to property in or the inhabitants of the neighbourhood,
- Amendment of principal Act, s. 56—
Neglected structures.
- 4.** Section 72 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof):—
- (2) If upon any appeal to the referees relating to any building which has been erected or partly erected, the referees find that the building or any part thereof does not comply with this Act but the referees are of opinion that the building or part could be so altered that the objects of this Act will be effectually attained, the referees in their determination may direct that such work shall be carried out as is specified in the determination and is necessary to remedy the building or part thereof so that the objects of this Act will be effectually attained.
- (3) Upon receiving any requisition as aforesaid or any other document relating to any appeal, the clerk shall forthwith supply a copy thereof to each referee.
- Amendment of principal Act, s. 72—
Jurisdiction of referees.
- 5.** Section 75 of the principal Act is amended—
- (a) by adding at the end of subsection (1) thereof the words “Forthwith upon any such objection being lodged with him, the surveyor shall supply a copy thereof to each referee”; and
- (b) by adding at the end thereof the following subsection:—
- (3) At any meeting of the surveyor and the referees held for the purpose of the consideration of any objection under this section, the referee appointed by the Minister shall act as chairman.
- Amendment of principal Act, s. 75—
Reference to surveyors and referees.
- 6.** Section 98a of the principal Act is amended by striking out the word “five” in the third line thereof and by inserting in lieu thereof the word “six”.
- Amendment of principal Act, s. 98a—
Advisory committee.
- 7.** The principal Act is amended in the manner shown in the schedule to this Act.
- Amendment of principal Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

C. W. M. NORRIE, Governor.

THE SCHEDULE.

AMENDMENTS TO THE BUILDING ACT, 1923-1940.

| Section or Part Amended. | How Amended. |
|--------------------------|--|
| Section 8 ... | The words "water closet" in the sixteenth line of section 8 are struck out and the word "privy" inserted in lieu thereof. |
| Section 28 ... | The words "and third schedules" in the third and fourth lines of section 28 are struck out and the word "schedule" inserted in lieu thereof. The words "or structure" are inserted after the word "building" wherever occurring in the eighth and the thirteenth lines of section 28. |
| Section 34 ... | The words "or external wall" in the fourth and fifth lines of paragraph (7) of section 34 are struck out. Paragraph (8) of section 34 is struck out. |
| Part V. | Part V. is amended by inserting therein after section 36 the following section :— Rights as to projections. 36A. The building owner, in addition to and without prejudice to any right he may have under any other Act or at common law, shall have a right to cut away or take down such parts of any wall or building of an adjoining owner as may be necessary in consequence of that wall or building overhanging or encroaching upon the ground of the building owner, in order to erect an upright wall against the same, on condition of making good any damage sustained by the wall or building by reason of such cutting away or taking down. |
| Section 55 .. | The words "the Destitute Asylum, or other" in the seventh line of section 55 are struck out and the word "any" inserted in lieu thereof |
| Section 83 ... | The word "third" in the third line of subsection (2) of section 83 is struck out. |