

T A S M A N I A.



1 8 7 0.

ANNO TRICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 26.

AN ACT to amend "An Act for preventing Mischiefs by Fire in the City of *Hobart Town*." [18 October, 1870.]

WHEREAS it is necessary to amend "An Act for preventing Mischiefs by Fire in the City of *Hobart Town*." Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

PREAMBLE.
22 Vict. No. 15.

1 Sections Two, Three, Four, Five, and Ten of "An Act for preventing Mischiefs by Fire in the City of *Hobart Town*" are hereby repealed, except as to all things duly done thereunder, and except as to any offence committed before this Act commences and takes effect, which shall be dealt with as if this Act had not been passed.

Repeal.

2 Where the external walls of any house, shop, or other building already built within the City of *Hobart Town* are composed of wood or other combustible material, every part of such external walls may at all times hereafter, as occasion requires, be repaired with materials of the same description as those of which such external walls are built ; but if any such last-mentioned wall be at any time hereafter wholly taken down or otherwise demolished for the height of one story, or for a space equal to one-fourth of the whole surface of such external wall, whether such taking down or demolition takes place at one time or at several times within Three months of one another, then and in every such case every part thereof shall be taken down, and the same, if rebuilt, shall be rebuilt in the manner directed by the said Act with regard to external walls of houses, shops, and other buildings thereafter to be erected and put up in the said City.

Existing walls may be repaired with the same material as that of which they are constructed.

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No person to build, &c. houses, &c., except as provided by 22 Vict. No. 15.

3 No person shall build or rebuild, enlarge or alter, or begin so to do, or cause or procure to be built or rebuilt, enlarged or altered, any house, shop, or other building within the said City otherwise than in the manner and of and with the materials specified in the said Act and therein directed to be used for that purpose; and if any person builds or rebuilds, enlarges or alters, or begins so to do, or causes or procures to be built or rebuilt, enlarged or altered, any house, shop, or other building within the said City otherwise than as aforesaid, every person so offending shall for every such offence forfeit and pay a sum not exceeding Fifty Pounds.

Certain buildings to be deemed nuisances.

4 If any external wall or chimney of any house, shop, or other building within the said City is built or rebuilt, enlarged or altered, or begun to be built or rebuilt, enlarged or altered, otherwise than in the manner and of and with the materials specified and directed to be used for that purpose by the said Act, every such house, shop, or other building, or as much thereof as is constructed, shall be deemed a nuisance, and thereupon the City Surveyor for the time being shall, by a notice in writing, require the person who built or rebuilt, enlarged or altered, or who has begun to build or rebuild, enlarge or alter the same, or who caused or procured the same to be built or rebuilt, enlarged or altered, or to be begun to be built or rebuilt, enlarged or altered, to cease to proceed with such building, rebuilding, enlargement, or alteration, and to remove such nuisance; and if such person neglects or refuses to remove the same within Three days after the receipt of such notice as aforesaid, the said Surveyor shall apply to any Two Justices of the Peace for an order directed to such person to remove such nuisance as hereinafter provided, and may also prefer an information against such person in respect of any offence committed by him; and if any person after receipt of such notice continues to proceed with such building, rebuilding, enlargement, or alteration (other than as is sanctioned by this Act and the said Act), such person shall forfeit and pay an additional penalty not exceeding Ten Pounds a day for every day that he proceeds with such work after such notice.

Such nuisance to be removed on the order of Two Justices of the Peace.

5 Any Two Justices of the Peace may, by an order under their hands, direct any person referred to in the last preceding Section to remove such nuisance within a certain time to be fixed by such Justices; and such Justices may, in and by the same order, direct and require that in case such nuisance is not removed within the time so to be fixed as aforesaid, then that the said Surveyor shall, immediately after the expiration of such time, with workmen and others, enter into and upon the land where such nuisance then is, or upon any land adjoining the same, and remove the said nuisance; and such Surveyor is hereby authorised and required forthwith to carry every such order into execution according to the tenor and exigency thereof; and no action shall be brought against the said Surveyor, or against any person employed by him in that behalf, for anything done by him or them in pursuance of such order; and such Surveyor and workmen shall not be liable or responsible for any damage or injury necessarily caused by them in effecting such removal, whether to the said nuisance or to any goods stored therein or otherwise.

Builder or owner to defray the expenses of removal of nuisance.

6 The person to whom any order made by Justices as aforesaid is directed shall, upon demand made by such Surveyor, defray all reasonable charges and expenses which such Surveyor may incur in carrying out such order; and in case such person refuses or neglects forthwith to defray such charges and expenses, then it shall be lawful for any Two Justices of the Peace upon the complaint of such Surveyor

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to summon such person before them; and such Justices are hereby authorised and required, upon proof that such charges and expenses have been incurred, and that the same are reasonable in amount, summarily to order the same to be paid by such person: Provided, that if such person fails to appear in compliance with such summons, then such order may be made in his absence; and any such order may be enforced as orders made under *The Magistrates Summary Procedure Act* may be enforced.

7 No person shall begin to build, or cause or procure any other person to begin to build, any house, shop, or other building, within the said City until he has given the City Surveyor Seven days' previous notice in writing, specifying the street in which and the material of which such house, shop, or other building is to be erected; and any person who offends against this provision shall be liable to forfeit and pay a penalty not exceeding Twenty Pounds for every such offence.

Notice of intention to build to be given to the City Surveyor.

8 At all reasonable times during the progress of any house, shop, or other building affected by this Act or the said Act, it shall be lawful for the Surveyor to enter and inspect any such house, shop, or other building; and if any person refuses to admit such Surveyor to inspect such house, shop, or other building, or refuses or neglects to afford such Surveyor all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding Twenty Pounds.

Surveyor may enter and inspect buildings affected by this Act.

9 The Surveyor may at all reasonable times enter any premises for the purpose of ascertaining whether any buildings erected on such premises are in such a situation or possess such characteristics as exempt them from the operation of this Act or the said Act, and he may do all such things as are necessary for the above purpose; and if any person refuses to admit such Surveyor to enter such premises or to inspect any such buildings, or neglects to afford to him all reasonable assistance in such inspection, in every such case the offender shall incur for each offence a penalty not exceeding Twenty Pounds.

Surveyor may enter buildings to ascertain as to exempted buildings.

10 Where in the said Act or this Act the City Surveyor is required to do or perform any act, matter, or thing, it shall be lawful for the Municipal Council of the said City, upon sufficient cause, to authorise and require some other person or Officer to do and perform the same.

Duties of Surveyor may be performed by some other person.

11 It shall be lawful for the Municipal Council of the said City, by notice in the *Gazette*, to appoint and declare certain limits within the said City within which certain buildings, to be specified in such notice, may be built of wood or other combustible materials, under such restrictions as the said Council may impose, and may in like manner amend or alter any such notice, and may also in like manner restrict or enlarge such limits as aforesaid.

Municipal Council may within certain limits allow certain buildings to be built of wood.

12 This Act and the said Act, save so far as the same may be altered or amended by this Act, shall be read and construed together as one Act.

Acts to be read together.

13 The said Act may be cited as "The Hobart Town Fires Prevention Act," and this Act may be cited as "The Hobart Town Fires Prevention Amendment Act."

Short title of 22 Vict. No. 15, and this Act.

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