

Notice of Intended Demolition

Notes, guidance and information.

DEMOLITIONS

When any building or structure is to be demolished it is of prime concern that the Health and Safety of the public is safeguarded. Legislation under the Building Act 1984 requires that any person intending to demolish a building is to notify the Local Authority.

Within East Staffordshire the responsibility for demolitions falls under the Building Control Division.

On receipt of a notice to demolish a building the surveyor will visit the site and appraise the proposal. The notice to demolish should be accompanied by a site plan and a method statement detailing the full demolition procedure including all measures adopted to protect the public.

The statutory time limit allowed for the council to issue a counter notice after which demolition may commence, is 6 weeks. However if we are provided with sufficient information, (we are always willing to help and advise) we are normally able to issue a demolition permit within one to two weeks.

The Counter notice (or demolition permit) will include a set of conditions and a schedule detailing measures that must be taken by the contractor to ensure that all safety issues are addressed. It must be remembered that notification of the intent to demolish a building to the Local Authority Building Control Division does not remove or affect the contractor's obligations under the Health and Safety at Work Act or the Asbestos Regulations.

During the demolition process the Building Control Surveyor will inspect to ensure that conditions are being met and that no unforeseen factors are likely to affect Public Health and Safety.

Demolition Notice

Building Act 1984

Demolition Number

For Official Use Only

This form is to be filled in by the person who intends to carry out the intended demolition work or his/her agent. If the form is unfamiliar please read the notes below and overleaf or consult the office indicated at the address given below.

Demolition Notice

1	<p>Location of building to which work relates</p> <p>Address: _____</p> <p style="text-align: right;">Postcode: _____</p>
2	<p>Description of work</p> <p>_____</p> <p>_____</p>
3	<p>Name of contractor</p> <p>Address: _____</p> <p>_____</p> <p>Postcode: _____</p>
4	<p>Date of commencement</p> <p>_____</p>
5	<p>Statement</p> <p>I declare that I have sent a copy of this notice to all the persons and agencies required by Section 80 of the Building Act 1984 reproduced below.</p> <p>Name: _____ Signature: _____ Date: _____</p>

Notes

Your attention is drawn to Section 80 of the Building Act, 1984 requiring you to notify the Local Authority of intended demolition.

Section 80

(2) No person shall begin a demolition to which this section applies unless-

- a) he has given the local authority notice of his intention to do so, and
- b) either-
 - i. the local authority have given a notice to him under section 81, or
 - ii. the relevant period (as defined in that section) has expired.

(3) A notice under subsection (2) above shall specify the building to which it relates and the works of demolition intended to be carried out, and it is the duty of a person giving such a notice to a local authority to send or give a copy of it to-

- a) the occupier of any building adjacent to the building
- b) any public gas supplier (as defined in Part I of the Gas Act 1986) in whose authorised area (as so defined) the building is situated, and
- c) the public electricity supplier (as defined in Part I of the Electricity Act 1989) in whose authorised area (as so defined) the building is situated and any other person authorised by a licence under that Part to supply electricity to the building.

(4) A person who contravenes subsection (2) above is liable on summary conviction to a fine not exceeding level 4 on the standard scale.



With this notice include a location plan and a method statement. Also confirm that all relevant statutory undertakers/services have been disconnected or otherwise made safe.

**BUILDING ACT 1984, Section 82(2), (4) and (5)
and Section 83(1), (2) and (3)**

82 – (2) No one shall be required under paragraph (c), (e) or (f) of subsection (1) above to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but subject to section 101 below, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(4) This section does not authorise interference with apparatus or works of statutory undertakers authorised by any enactment to carry on an undertaking for the supply of electricity, gas or water.

(5) Without prejudice to the generality of subsection (4) above, this section does not exempt a person from –

- a) the obligation to obtain any consent required under section 67 of Schedule 3 to the Water Act 1945 (which relates to interference with valves and other apparatus) or section 68 of that Schedule (which relates to alterations to supply pipes and other apparatus),
- b) criminal liability under any enactment relating to the supply of gas or electricity, or
- c) the requirements of regulations under section 31 of the Gas Act 1972 (public safety).

83 – (1) Section 102 below applies in relation to a notice given under section 81.

(2) Among the grounds on which an appeal may be brought under section 102 below against such a notice are-

- a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that by the building which is being demolished, and ought to pay, or contribute towards the expenses of shoring it up,
- b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay or contribute towards, the expenses of weatherproofing those surfaces.

(3) Where the grounds on which an appeal under section 102 below is brought include a ground specified in subsection (2) above –

- a) the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and
- b) on the hearing of the appeal the court may make such order as it thinks fit –
 - i. in respect of the payment of, or contribution towards, the costs of the works by any such person, or
 - ii. as to how any expenses which may be recoverable by the local authority are to be borne between the appellant and any such person.

BUILDING ACT 1984, Section 102

102 – (1) Where a person is given a notice in relation to which it is declared by any provision of this Act that this section applies, he may appeal to a magistrates court on any of the following grounds that are appropriate in the circumstances of the particular case –

- a) that the notice or requirement is not justified by the terms of the provision under which it purports to have been given,

- b) that there has been some informality, defect or error in, or in connection, with the notice,
- c) that the authority have refused unreasonable to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
- d) that the time within which the works are to be executed is not reasonably sufficient for the purpose,
- e) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of the occupier and that it would have been equitable for it to have been so served,
- f) where the works are works for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(2) If and in so far as an appeal under this section is based on the grounds of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(3) The appellant –

- a) shall where the grounds upon which the appeal is brought include a ground specified in subsection (1) (e) or (f) above, serve a copy of his notice of appeal on each other person referred to, and
- b) may, in the case of any appeal under this section serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to –
 - i. the person by whom any works are to be executed and the contribution to be made by any other person towards the cost of the works, or
 - ii. the proportions in which any expenses that may become recoverable by the Local Authority are to be borne by the appellant and such other person.

- (4) In exercising its powers under subsection (3) above, the court shall have regard –
- a) as between an owner and occupier, to the terms and conditions whether contractual or statutory, of the tenancy and to the nature of the works required, and
 - b) in any case, to the degree of benefit to be derived by the different persons concerned.

(5) This section has effect subject to any modifications specified in the provision under which the notice is given.