

## Senarai Kandungan Enakmen

Bil.	Enakmen Ibu
1.	Selangor King George V Silver Jubilee Enactment 1937 Enakmen King George V Silver Jubilee Negeri Selangor 1937 <b>(Enakmen Ibu Tiada)</b>
2.	Town Boards Enactment (F.M.S. CAP 137) Enakmen Lembaga Bandaran (N.M.B. Bab 137) <b>(Tiada Terjemahan BM)</b>
3.	Malay Reservations (F.M.S. CAP. 142) Enakmen Rizab Melayu (F.M.S. CAP. 142) <b>(Tiada Terjemahan BM)</b>
4.	Mining Enactment (F.M.S. CAP 147) Enakmen Lombong Bandaran (F.M.S. Bab 147) <b>(Tiada Terjemahan BM)</b>

**SELANGOR KING GEORGE V SILVER  
JUBILEE ENACTMENT 1937  
(EN. IBU TIADA)**

- SELANGOR KING GEORGE V SILVER JUBILEE  
(AMENDMENT) ENACTMENT 13/1968 (BM & BI)**
- SELANGOR KING GEORGE V SILVER JUBILEE  
(AMENDMENT) ENACTMENT 5/1991 (BM & BI)**
- SELANGOR KING GEORGE V SILVER JUBILEE  
(AMENDMENT) ENACTMENT 13/2001 (BM & BI)**

## SELANGOR

## ENACTMENT No. 13 tahun 1968

BETA PERKENANKAN,

T. ABDUL AZIZ SHAH,  
*Sultan Selangor*

(MOHOR KERAJAAN)

17hb Januari, 1969

Suatu Enactment bagi meminda Enactment King George V  
Silver Jubilee Negeri Selangor, 1937.

[ ]

MAKA INI-LAH DI-PERBUAT UNDANG<sup>2</sup> oleh  
Badan Perundangan Negeri Selangor seperti berikut :

1. Enactment ini boleh-lah di-namakan Enactment (Pin-  
daan) King George V Silver Jubilee Negeri Selangor, 1968  
dan hendak-lah di-bacha sebagai satu dengan Enactment  
King George V Silver Jubilee Negeri Selangor, 1937 (Kem-  
udian daripada ini di-sebut sebagai "Enactment Utama").

Tajok  
ringkas.

2. Sekshen-kecil (i) kepada Sekshen 9 bagi Enactment  
Utama ada-lah dengan ini di-batalkan dan di-gantikan  
dengan berikut :

Pindaan bagi  
sekshen 9 (i).

"(i) Tidak lebeh daripada sa-tengah Kumpulan Wang  
hendak-lah di-gunakan untuk mengadakan sa-  
buah rumah bagi orang<sup>2</sup> China Negeri Selangor  
yang miskin dan tua dan baki-nya hendak-lah  
di-gunakan sama ada sebagai modal atau hasil  
bagi maksud<sup>2</sup> khairat pertubohan<sup>2</sup> itu di-dalam  
Negeri tersebut yang mempunyai tujuan<sup>2</sup> sama  
dengan Kumpulan Wang itu".

3. Sa-lepas sahaja sekshen 15 bagi Enactment Utama,  
masokkan Sekshen 16 yang baharu seperti berikut :

Sekshen 16  
baharu."Pembu-  
baran  
Kumpulan  
Wang.

16. Jika sekira-nya Kumpulan Wang di-bubarkan  
segala hutang<sup>2</sup> dan tanggungan<sup>2</sup> yang telah di-  
kenakan dengan sah di-sisi Undang<sup>2</sup> hendak-lah  
di-selesaikan dengan sa-penoh-nya dan baki

harta<sup>2</sup> dan Kumpulan<sup>2</sup> Wang, jika ada, hendaklah di-pindahkan kepada Kerajaan Negeri atau pertubohan<sup>2</sup> yang sah atau lain pertubohan<sup>2</sup> yang telah di-luluskan oleh Pihak Berkuasa Negeri yang mempunyai tujuan<sup>2</sup> sama dengan Kumpulan Wang itu”.

Di-luluskan pada 24hb Disember, 1968.

[I.P.K. Sel. 4955; L.A. Sel. 1407.]

ABDUL AZIZ BIN ISMAIL,

*Setia-usaha,  
Dewan Negeri, Selangor*

## SELANGOR

## ENACTMENT No. 13 of 1968

I ASSENT,

T. ABDUL AZIZ SHAH,  
*Sultan of Selangor*

(STATE SEAL)

17th day of January, 1969

An Enactment to amend the Selangor King George V Silver  
Jubilee Enactment, 1937.

{ }

IT IS HEREBY ENACTED by the Legislature of the  
State of Selangor as follows:

1. This Enactment may be cited as the Selangor King George V Silver Jubilee (Amendment) Enactment, 1968 and shall be read as one with the Selangor King George V Silver Jubilee Enactment, 1937 (hereinafter referred to as "the Principal Enactment").

Short title.

2. Sub-section (i) of section 9 of the principal Enactment is hereby revoked and substituted with the following:

Amendment  
of section  
9 (i).

"(i) Not more than one-half of the Fund shall be used for providing a home for the poor and aged Chinese of the State of Selangor and the balance shall be utilised whether as capital or revenue for the charitable purposes of such organisations in the said State which have objects similar to those of the Fund".

3. Immediately after section 15 in the principal Enactment, insert the following new section 16:

New section  
16."Dissolution  
of the Fund.

16. In the event of the Fund being dissolved all debts and liabilities legally incurred shall be fully discharged and the remaining assets and funds, if

any, shall be transferred to the State Government or to *bona fide* societies or other organizations approved by the State Authority which have objects similar to those of the Fund".

Passed this 24th day of December, 1968.  
[I.P.K. Sel. 4955; L.A. Sel. 1407.]

ABDUL AZIZ BIN ISMAIL,  
*Clerk of the Legislative Assembly,  
Selangor*

## SELANGOR

## ENAKMEN No. 5 tahun 1991

BETA PERKENANKAN,

i.e.,

SALAHUDDIN ABDUL AZIZ SHAH AL-HAJ,  
*Sultan Selangor*

(MOHOR KERAJAAN)

9hb Ogos 1991

Suatu Enakmen untuk meminda Enakmen Selangor King  
George V Silver Jubilee 1937.

[ ]

MAKA INILAH DIPERBUAT UNDANG-UNDANG  
oleh Badan perundangan Negeri Selangor seperti berikut:

1. Enakmen ini boleh dinamakan Enakmen Selangor King George V Silver Jubilee (Pindaan) 1991 dan hendaklah disifatkan telah berkuatkuasa pada 1 haribulan Januari 1991.

Tajuk  
ringkas  
dan mula  
berkuatkuasa.

2. Enakmen Selangor King George V Silver Jubilee 1937 adalah dipinda—

Pindaan  
Seksyen 3.  
En. Sel.  
5/1937.

(a) dengan menggantikan seksyen 3 dengan yang berikut—

3. (i) The Trustees of the Fund shall consist of—

(a) a Chief Trustee appointed in accordance with subsection (ii); and

(b) four persons from time to time to be appointed by the Chief Trustee;

and such Trustees shall be a Corporation in order to carry out the object of the Fund and shall have the name of "the Trustees of the Selangor King George V Silver Jubilee Fund" and by the name shall have perpetual succession and a common seal and the said Corporation is hereby empowered for the purposes of the said Fund to sue and be sued to make contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to sell, transfer, assign, surrender, charge, lease or otherwise dispose of any movable or immovable property vested in the Corporation upon such terms as to the Corporation may seem fit and to collect and receive further subscriptions and donations, interest and dividends for the benefit of the Fund.

- (ii) The State Authority may appoint any member of the State Executive Council of the State of Selangor who is of Chinese race to be the Chief Trustee; provided that if no such member is available, the State Authority may appoint any member of the State Executive Council to be the Chief Trustee." ; dan

(b) dengan menggantikan perkataan "Secretary for Chinese Affairs" dengan perkataan "Chief Trustee" yang terdapat di seksyen 4 dan 15.

Diluluskan pada 29hb Julai 1991.

[IPK. Sel. 40651/2649; PU. Sel. 1545/4; DUN. Sel. 30287/1.]

HAIH AAZMI BIN ARIFFIN,  
Setiausaha,  
Dewan Undangan Negeri Selangor



## SELANGOR

## ENACTMENT No. 5 of 1991

I ASSENT,

*Sgd.*

SALAHUDDIN ABDUL AZIZ SHAH AL-HAJ,  
*Sultan of Selangor*

(STATE SEAL)

9th August 1991

An Enactment to amend the Selangor King George V  
 Silver Jubilee Enactment 1937.

[ ]

IT IS HEREBY ENACTED by the Legislature of the  
 State of Selangor as follows:

1. This Enactment may be cited as the Selangor King  
 George V Silver Jubilee (Amendment) Enactment 1991  
 and shall be deemed to have come into force on the 1st  
 January 1991.

*Short title  
 and commence-  
 ment.*

2. The Selangor King George V Silver Jubilee Enactment  
 1937 is amended—

*Amendment of  
 Section 3.  
 Sel. En.  
 5/1937.*

(a) by substituting for section 3 the following—

3. (i) The Trustees of the Fund shall consist  
 of—

(a) a Chief Trustee appointed in  
 accordance with subsection (ii);  
 and

(b) four persons from time to time to  
 be appointed by the Chief  
 Trustee;

and such Trustees shall be a Corporation in order to carry out the object of the Fund and shall have the name of "the Trustees of the Selangor King George V Silver Jubilee Fund" and by the name shall have perpetual succession and a common seal and the said Corporation is hereby empowered for the purposes of the said Fund to sue and be sued to make contracts and to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to sell, transfer, assign, surrender, charge, lease or otherwise dispose of any movable or immovable property vested in the Corporation upon such terms as to the Corporation may seem fit and to collect and receive further subscriptions and donations, interest and dividends for the benefit of the Fund.

- (ii) The State Authority may appoint any member of the State Executive Council of the State of Selangor who is of Chinese race to be the Chief Trustee: provided that if no such member is available, the State Authority may appoint any member of the State Executive Council to be the Chief Trustee." ; and

(b) by substituting the words "Chief Trustee" for the words "Secretary for Chinese Affairs" appearing in section 4 and 15.

Passed this 29th day of July 1991.

[HPK. Sel. 40651/2649; PU. Sel. 1545/4; DUN. Sel. 30287/1.]

HAJI ADZMI BIN ARIFFIN,  
*Clerk of the Legislative Assembly,  
Selangor*

## SELANGOR

## ENAKMEN No. 13 tahun 2001

BETA PERKENANKAN,

(MOHOR  
KERAJAAN)SHARAFUDDIN IDRIS SHAH,  
*Sultan Selangor*

5 Disember 2001

Suatu Enakmen untuk meminda Enakmen Selangor King George V Silver Jubilee 1937.

[ ]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Badan Perundangan Negeri Selangor seperti berikut:

1. Enakmen ini bolehlah dinamakan Enakmen Selangor King George V Silver Jubilee (Pindaan) 2001 dan hendaklah mula berkuat kuasa pada 1 Januari 2002. Tajuk ringkas dan permulaan kuat kuasa.
2. Enakmen Selangor King George V Silver Jubilee 1937, yang disebut "Enakmen ibu" dalam Enakmen ini, adalah dipinda dalam seksyen 3(i)(b) dengan menggantikan perkataan "empat", perkataan "tujuh". Pindaan seksyen 3. Sel. En. S/1937.

Pindaan  
seksyen 12.

3. Enakmen ini adalah dipinda dengan menggantikan seksyen 12 dengan seksyen yang berikut:

“Investment 12. Moneys belonging to the Fund may be invested in such manner or be deposited in such financial institutions as the corporation may approve.”.

Diluluskan pada 1 November 2001.

[IPK. Sel. 10468 Jld. 4; PU. Sel. Am. 0173]

BAKHITAR BIN HUSSIN,  
*Setiausaha,*  
*Dewan Undangan Negeri,*  
*Selangor*

## SELANGOR

## ENACTMENT No. 13 of 2001

I ASSENT,

(STATE SEAL)      SHARAFUDDIN IDRIS SHAH,  
*Sultan of Selangor*

5 December 2001

An Enactment to amend the Selangor King George V Silver  
 Jubilee Enactment 1937.

[ ]

IT IS HEREBY ENACTED by the Legislature of the State  
 of Selangor as follows:

1. This Enactment may be cited as the Selangor King George V Silver Jubilee (Amendment) Enactment 2001 and shall come into operation on 1 January 2002. Short title and commencement
2. The Selangor King George V Silver Jubilee Enactment 1937, which is referred to as "the principal Enactment" in this Enactment, is amended in section 3(i)(b) by substituting for the word "four", the word "seven". Amendment of section 3. Sel. En. 5/1937.

3. The principal Enactment is amended by substituting for section 12 the following section:

<sup>“Investment</sup> 12. Moneys belonging to the Fund may be invested in such manner or be deposited in such financial institutions as the corporation may approve.”.

Passed this 1st November 2001.

[IPK. Sel. 10468 Jld. 4; PU. Sel. Am. 0173]

BAKHTIAR BIN HUSSIN,  
*Setiausaha,*  
*Dewan Undangan Negeri,*  
*Selangor*

**TOWN BOARDS ENACTMENT  
(F.M.S. CAP 137)  
(Tiada Terjemahan BM)**

- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 6/1959 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 8/1960 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 9/1960 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 14/1990 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 3/1962 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 3/1966 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 5/1966 (BI)**
- **TOWN BOARDS (SELANGOR) (AMENDMENT)  
ENACTMENT 4/1972 (BI & BM)**

Amended by E. 1/36; 29/36; 46/36; 18/37; 3/38; 5.11.1892/37

26 of 1929.  
3 of 1931.  
2 of 1932.  
15 of 1933.  
26 of 1933.  
10 of 1934.  
30 of 1934.

**CHAPTER 137.**

**SANITARY BOARDS.**

*An Enactment to amend and consolidate the law with regard to Sanitary Boards.*

[1st February, 1930.]

Short title.

1. (i) This Enactment may be cited as the **Sanitary Boards Enactment**.

(ii) Nothing in this Enactment contained shall affect the provisions of any Enactment in force for the time being for preventing the introduction and spread of infectious and contagious diseases or the liability of any person to any punishment or penalty to which he may be liable under any Enactment other than this Enactment, but so that no person shall be twice punished for the same offence.

Interpretation.

2. In this Enactment:

3 of 1931.  
2 of 1932.

"annual value" means the estimated gross annual rent at which the holding might reasonably be expected to let from year to year: provided that in estimating the annual value of any holding in or upon which there is any machinery used for the following purposes or any of them,

- (a) the making of any article or part of an article,
- (b) the altering, repairing, ornamenting or finishing of any article,
- (c) the adapting for sale of any article,

the enhanced value given to the holding from the presence of such machinery shall not be taken into consideration; and for the purposes of this definition "machinery" includes the steam engines, boilers or other motive power belonging to such machinery, provided also that in the case of any holding which is vacant or unoccupied or only partially built upon, the annual value shall at the option of the Board be deemed to be the annual value as hereinbefore defined or one-tenth of the improved value thereof;

"arcade" includes verandah;

"Board" means a Sanitary Board appointed under Section 3 for any particular area;

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge or any structure connected with the foregoing;

"Chairman" means the officer for the time being lawfully performing the duties of the office of Chairman of a Sanitary Board, and includes a Deputy Chairman;



"common lodging-house" includes—

- (a) any house which, or part of which, is occupied as lodgings at a nightly rate of payment not exceeding forty cents for each person; or in which the sleeping accommodation provided for lodgers is such that two or more persons though strangers to one another may occupy one and the same room; or in which the same class of accommodation is furnished by an employer of workmen to the workmen employed by him or is paid for by subscription to a common fund;
- (b) any house or part of a house (not being a public hospital) used for the reception of sick or dying persons or for the lying-in of women;
- (c) any house where six or more jirikisha-pullers are lodged as tenants or sub-tenants;

"dairy" includes any cow-shed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

"document of title" means a grant, lease of State land, certificate of title, entry in the mukim register, lease for mining land or other document evidencing title registered or kept by a Registrar of Titles or Collector of Land Revenue; *that*

"footway" includes five-foot ways and verandahs at sides of streets;

"Health Officer" means the officer for the time being performing the duties of Health Officer to a Sanitary Board, and includes Assistant Health Officer;

"land" means any land, with or without buildings thereon, which is held under a separate document of title; provided that for the purposes of Part IV of this Enactment it shall not include mining land; *and by Act 70/1987*

"horse" includes pony;

"house" includes dwelling-house, warehouse, office, counting-house and shop, also schools and any other buildings in which persons are employed;

"improved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bona fide* seller would require;

"market" means any place, other than a shop, ordinarily used for the sale of animals or of meat, fish, fruit, vegetables or other perishable articles of food for human consumption, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

"mining land" means land comprised in a mining lease or mining certificate;

"motor vehicle" has the meaning assigned to that expression in the Motor Vehicles Enactment;

"nuisance" means any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell, or hearing, or which is or is likely to be injurious or dangerous to health or property;

"occupier" means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management, or control thereof either on his own account or as agent of another person, but does not include a lodger;

*Sub by  
Sec. 137*

"owner" means the person for the time being receiving the rent of the holding in connection with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if such holding were let to a tenant; and in any case in which such person cannot be found or makes default shall include also the occupier, if any, of such holding;

"premises" includes lands and buildings of any kind whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

"private market" means a market licensed as such by the Chairman;

"public market" means a market established under this Enactment or under any former Sanitary Boards Enactment or declared to be such by the Board;

"public street" means a street repairable out of Government funds over which the public have a right of way;

a person is said to "reside" in any dwelling in which he sometimes uses a sleeping apartment, although he does not use it uninterruptedly or has elsewhere a dwelling where he has and sometimes uses another such apartment. A person does not cease to "reside" in a dwelling where he has such an apartment merely because he is absent from it if there is the liberty of returning at any time and no abandonment of the intention to return at pleasure;

"sky-sign" means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things or any erection of a like nature or any visible object which floats or is kept in position by wire or other flexible attachment displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

"street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

"town limits" means the limits of a town as declared from time to time under the Land Code or any previous Land Enactment;

"unimproved value" of land is the capital sum which the land might be expected to realise if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller would require assuming that the improvements, if any, thereon or appertaining thereto and made by the owner or his predecessor in title had not been made.

ILLUSTRATIONS.

(a) Land was originally covered with jungle. It is not known who cleared it. The unimproved value is the value of the land cleared of jungle.

(b) Land was originally swampy but has been drained by the construction by Government of an anti-malarial drain in the neighbourhood. The unimproved value of the land is the value of the land so drained.

PART II.

CONSTITUTION OF SANITARY BOARDS.

3. (i) The <sup>President or Council</sup> Resident of a State may by notification in the *Gazette*

(a) declare any area within such State to be a Sanitary Board area for the purposes of this Enactment, and may after consultation with the Sanitary Board appointed for such area vary the boundaries of any area so declared;

(b) appoint Sanitary Boards consisting of such Government officers and other persons as he may nominate, and may appoint any member of a Sanitary Board to be Chairman thereof; provided that every such appointment shall cease and determine at the expiration of the year in respect of which the same is made;

(c) appoint Secretaries, Health Officers, Inspectors and such other officers as may be necessary for the purposes of this Enactment. Such officers are hereinafter referred to as officers of the Board.

(ii) Any Sanitary Board area may coincide with the defined area of a town or village declared under the Land Code or any previous Land Enactment or may be separately defined.

(iii) Any declaration or appointment made under this section may in like manner be varied, added to or revoked.

4. (i) The Chairman may, whenever he thinks fit, and shall, on a requisition in writing by not less than three members, convene a meeting of the Board.

(ii) All meetings shall be open to the public unless the Board, by resolution, at any meeting, otherwise decides.

5. (i) The quorum necessary for the transaction of business at any meeting shall be three.

(ii) If at any meeting a quorum is not present, the meeting shall stand adjourned to such other day as the Chairman fixes, and the

Declaration of Sanitary Board areas and appointment of Boards and officers.

Power to call meetings.

Quorum.

business which would have been brought before the original meeting, if there had been a quorum present, shall be brought before and transacted by the adjourned meeting whether there is a quorum thereat or not.

Absence of  
Chairman.

6. If when any meeting is held the Chairman is absent from the meeting, the members present shall elect one of their members to be chairman of the meeting.

Decision of  
questions.

7. (i) All questions coming before any meeting of the Board shall be decided by a majority of the votes of the members present.

(ii) In the case of an equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes.

8. The Chairman shall cause full minutes of the proceedings of all meetings of the Board to be taken, and shall submit the same to the Resident at the earliest opportunity after the close of the meeting.

Member not  
to vote where  
pecuniarily  
interested.

9. (i) No member of a Board shall vote on or take part in the discussion of any matter in which he has directly or indirectly by himself or by his partner any pecuniary interest.

(ii) A member shall not be deemed to have a pecuniary interest in any matter in which he is interested merely by reason of being a shareholder in a joint stock company which is interested in such matter, but shall be deemed to have such interest if he is a director or officer of such company.

Committees.

10. A Sanitary Board may from time to time appoint Committees consisting of members of the Board and may refer matters relating to any of the purposes of this Enactment to any such Committee for enquiry or report, and may delegate to any such Committee any of the powers of the Board under this Enactment, and may at any time dissolve or alter the constitution of such Committee; provided that any such Committee shall conform to all orders and instructions of the Board, and that all proceedings of any such Committee shall be subject to confirmation by the Board.

Co-opting  
further  
members.

11. (i) A Committee may co-opt any person or persons whose assistance or advice it may desire for such period or for such purpose as it may determine.

(ii) Every person so co-opted shall for such period or for such purpose be a member of the Committee.

Disposal of  
revenue.

12. All monies received by a Board by virtue of this or any other Enactment shall be paid into the Treasury to the credit of the public revenue.

Public  
servants.

13. All members of a Sanitary Board or of a Committee shall be deemed to be public servants within the meaning of the Penal Code.

## PART III.

DUTIES AND POWERS OF SANITARY BOARDS AND  
CHAIRMAN.

14. (i) Every Sanitary Board shall
- Duties of  
Board and  
Chairman.
- (a) exercise the powers and perform the duties conferred or imposed upon it by this Enactment;
- (b) advise the Chairman in respect of the exercise of the powers conferred upon him by this Enactment.
- (ii) The Chairman shall exercise on behalf of the Government of the State the powers conferred upon him by this Enactment.
- (iii) If the Chairman does not agree with the advice of the Board as to the exercise of any of the powers conferred upon him by this Enactment he shall refer the matter to the <sup>President in Council</sup> President for his decision.
15. (i) The powers in this Enactment conferred upon a Sanitary Board or upon a Chairman may be exercised for the following purposes:
- Purposes for  
which powers  
may be  
exercised.  
2 of 1932.  
10 of 1934.
- (a) the regulation and control of buildings and building operations, and in the discretion of the Board the prohibition of the erection of a building of a particular class, design or appearance in particular districts, localities or streets or portions of streets within a Sanitary Board area;
- (b) the laying out, and maintenance, <sup>of reserves for recreation and</sup> other purposes; the enclosure and care of unoccupied premises; the planting and preservation of trees and shrubs; the laying out of new streets and the cleaning, watering, lighting and control of streets, canals and bridges; the removal of undue projections; the numbering of houses; and the naming of streets;
- (c) the control and supervision by registration, licensing or otherwise, including in proper cases the prohibition, of
- (i) latrines, sanitary fittings and conveniences, sewage tanks and disposal plants, cess-pools and dust-bins,
- (ii) drains, wells, water-tanks and cisterns,
- (iii) stables and cattle-sheds and places for keeping sheep, goats, swine or poultry,
- (iv) cow-houses and dairies,
- (v) the sale of water, fresh provisions and milk,
- (vi) bakeries, laundries, and street stalls,
- (vii) common lodging-houses, eating-houses, coffee shops, jinrikisha depôts and premises where jinrikisha-pullers reside, theatres, native inns and other places of public resort,
- (viii) garages and places kept or used for repairing, painting, storing or housing motor vehicles, except garages or places used in connection with private dwelling-houses for housing motor vehicles kept for private use only.

1990

Absence  
ChairmanDecision  
question

Minutes

Members  
to vote  
pecuniary  
interest

Control

Con-  
further  
mentDis-  
textPub-  
ser

- (ix) persons who hawk food-stuffs,  
(x) persons who sell articles of food in markets;
- (d) the registration of all persons carrying on the trade of cow-keepers, dairymen or purveyors of milk, and securing the cleanliness of cow-sheds and milk-shops or other places where milk is kept for sale and milk-vessels and utensils used by such persons, and prescribing precautions to protect milk against infection and contamination;
- (e) the establishment and regulation of public markets and the licensing and regulation of private markets, and if the Board shall think fit the prohibition of the sale within a certain radius from a public market of any articles of the kind sold in such market;
- (f) the regulation of public bathing places, including the power to charge fees for the use of or to lease the same;
- (g) the establishment and regulation of slaughter-houses including
- (i) the sanitary inspection of animals before being slaughtered and of their carcases,
  - (ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased,
  - (iii) the slaughtering with or without compensation of diseased animals brought to be slaughtered,
  - (iv) the disposal of the carcases of diseased animals which were slaughtered or died on premises under the control of a Sanitary Board,
  - (v) the marking of the carcases of animals slaughtered in slaughter-houses under the control of a Sanitary Board to denote that such animals have been so slaughtered,
  - (vi) the fixing of fees to be charged for the use of slaughter-houses under the control of the Sanitary Board, including, if the Board shall think fit, the grant to particular persons of the exclusive right to provide or slaughter any particular description of beast for human food, and
  - (vii) the control of vehicles used for the transport of carcases and the fixing of fees to be charged for transport when such vehicles are provided by the Board;
- (h) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions found within a Sanitary Board area or exposed for sale therein;
- (i) the collection, removal and disposal of night-soil, dung, trade and garden refuse and other filth, including, if the Board shall think necessary, the publication of Rules making it compulsory on all persons who may require night-soil buckets to buy such buckets from the Government;
- (j) the prevention and abatement of nuisances and the regulation and if necessary the prohibition within a Sanitary Board area of dangerous or unhealthy or offensive trades or

occupations, and the prescribing of the limits within a Sanitary Board area in which such trades or occupations may be carried on;

- (k) the regulation, restriction or prevention of the exhibition of advertisements;
- (l) the prescribing of the localities within which cattle, swine or poultry may be kept;
- (m) the prevention and removal of obstructions in the streets and in the verandahs or footways;
- (n) the repair or removal of ruinous or dangerous buildings and the removal of occupants therefrom;
- (o) the examination of the bodies of dead persons, and the certification of the cause of death in cases where the cause of death has not been certified by a duly qualified medical practitioner;
- (p) the prevention and abatement of malaria, and of places favourable to the breeding of mosquitoes;
- (q) all other matters whether similar or not to those above mentioned connected with the conservation and the improvement of the Sanitary Board area.

(ii) (a) A Sanitary Board may in its discretion resolve to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as it may by by-law provide, and may charge fees therefor. Any such resolution may from time to time be varied or rescinded.

(b) Such fees shall be payable by the person to whom such septic tank or other sewage purification plant belongs and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

(c) A Sanitary Board may subject to the provisions of the next succeeding section make by-laws prescribing the extent to which it shall take over such control, supervision, maintenance and repair and for the regulation thereof and prescribing the fees to be charged.

16. (i) A Sanitary Board may make by-laws with respect to any of the purposes described in Section 15 and for the conduct of its own business. Such by-laws may apply to the whole area subject to its control or to any specified part or parts thereof, and may provide for the payment of reasonable fees for such registration, licensing or otherwise as may be required for the purposes of this Enactment. Any such fee may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Power to  
make by-laws.  
2 of 1932.

(ii) A Sanitary Board shall pass such new by-laws or vary or repeal such existing by-laws as the Resident with the approval of the Chief Secretary may from time to time prescribe.

E. 1.

(iii) No by-law and no resolution rescinding or varying any such by-law shall have effect unless and until it has been confirmed by the Resident with the approval of the Chief Secretary, and such confirmation has been published in the *Gazette*.

1. 1936.

Penalty for  
contravening  
by-law.

17. (i) A Sanitary Board may in making any by-law prescribe the fine with which the contravention thereof shall be punishable, but so that such fine shall not exceed for any one offence the sum of fifty dollars or in the case of a continuing offence the sum of five dollars for every day during which such offence is continued.

(and any person)

(ii) Any person who contravenes any by-law for the breach of which no fine is prescribed shall be punished with a fine which may extend to two hundred and fifty dollars or in the case of a continuing offence to the sum of ten dollars a day for every day during which such offence is continued.

Power to  
compound  
offences.  
10 of 1934.

18. The Chairman may in his discretion compound any such offence against the provisions of this Enactment or of any rules made thereunder as may be specified by the ~~President~~ <sup>Chairman</sup> by notification in the Gazette by accepting from the person accused of having committed any such offence a sum of money not exceeding ten dollars.

Licences.

19. Every licence issued under any by-law shall be subject to such conditions and restrictions as the Chairman may impose and shall be revocable at any time by him without compensation at the expiry of one month's notice in writing served upon the holder thereof, or without compensation and without notice if in his opinion or in the opinion of the Health Officer the licensee or his agents or servants shall have failed to observe or comply with any such condition or restriction or with any provision of this Enactment or of any by-law made thereunder.

Powers of  
Chairman  
where default  
made.

20. (i) Where any by-law or any notice issued to enforce the provisions of this Enactment or of any by-law requires any act to be done or refrained from or any work to be executed by the owner or occupier of any premises, and default is made in complying with the provisions of such by-law or notice, the Chairman may cause such act to be done or such work to be executed and may pull down any work executed in contravention of any such by-law or notice.

(ii) Where any expenses are incurred in carrying out any work in pursuance of sub-section (i), the Chairman shall certify the cost thereof to the defaulting owner or occupier, and the certificate of the Chairman shall be conclusive proof of the sum due.

(iii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

Power of  
entry.

21. (i) The Chairman and members of the Board, all officers of the Board and all officers, workmen or contractors of the Government shall for the purposes of this Enactment have power to enter at all reasonable hours between sunrise and sunset into and upon any holding as well for the purpose of making any survey or inspection as for the purpose of executing any work authorised by this Enactment to be executed without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done upon such



holding in pursuance of this Enactment. Provided that except when herein otherwise provided no entry shall be made into any dwelling-house in actual occupation unless with the consent of the occupier thereof, without six hours' previous notice to such occupier.

(ii) The <sup>Health Officer</sup> Resident may declare that any class of premises for the regulation, control, supervision or inspection of which by-laws may be passed under Section 16 are liable to night inspection, and thereupon the Chairman or Health Officer may at any time of the day or night and without notice, by himself or by any Sanitary-Board officer generally authorised by the Chairman in that behalf in writing, enter into and inspect any premises of the class specified in the declaration.

(iii) For the purpose of enquiry into or examination of any thing or matter which is declared to be a nuisance under Part VI of this Enactment the Health Officer may at any time of the day or night and without notice in person enter into and upon any premises and inspect the same.

22. (i) Every notice, order, or document required or authorised by this Enactment or by any by-law passed hereunder to be served on any person may be served personally upon the person to whom it is addressed or be left at his usual place of abode with some adult member or servant of his family, or if it cannot with the exercise of due diligence be so served may be affixed in some conspicuous part of such place of abode, and shall thereby be deemed to be duly served: provided that if the place of abode of the owner or occupier of any holding in respect of which such notice, order, or document is required to be served be unknown, or if the owner or occupier of such holding be not resident within the Sanitary Board area, every such notice, order, or document shall be deemed to be duly served if affixed on some conspicuous part of such holding.

Service of notices and other documents.

(ii) Where such notice, order or document is addressed to the owner or occupier of a holding and the name of such owner or occupier is not known it shall be sufficient to designate him in such notice, order or document as the "owner" or "occupier" of the holding without further description.

23. (i) Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Enactment or any by-laws passed hereunder directed to be paid the amount and if necessary the apportionment of the same shall in case of dispute be summarily ascertained and determined by a Magistrate of the First Class, or if the compensation claimed amount to one thousand dollars then by the Court of a Judge.

Compensation, damages, and costs to be determined by Magistrate or Judge.

(ii) If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such Magistrate or Court and recovered in the same way as if it were a fine imposed by such Magistrate or Court.

Recovery of  
cost of work  
carried out by  
Chairman.

24. (i) Wherever it is provided by this Enactment that the Chairman may recover the costs or expenses of any work carried out by him or that any person shall pay the costs or expenses of any such work the Chairman shall on the completion of such work certify the amount of such costs or expenses to the person liable to pay the same, and the certificate of the Chairman shall be conclusive as to the sum due.

(ii) Such sum shall be deemed to be a debt due to the State and may be recovered in the manner provided by this Enactment for the recovery of unpaid rates.

#### PART IV.

#### RATING.

Power to  
impose rates.

25. The <sup>Resident in General</sup> Resident after consultation with the Sanitary Board for any area may from time to time so often as he thinks necessary impose either separately or as a consolidated rate an annual rate or rates within such area for all or any of the following purposes:

- (a) the general purposes of this Enactment including the payment and housing of the staff required for carrying out the same;
- (b) public lighting;
- (c) the extinction and prevention of fire.

Further rates.

26. In addition to the rates referred to in Section 25 the Resident may in like manner impose

- (a) an improvement rate in accordance with Sections 29 or 30;
- (b) a drainage rate in accordance with Section 31.

Division of  
area for  
rating  
purposes.

27. For the purposes of Sections 25 and 26 the Resident may, after consultation with the Sanitary Board for any area, divide such area into two or more parts and impose within each separate part such rate or rates as may be considered just and proper.

Basis of  
assessment of  
rate.

28. Any rate or rates imposed under this Part may be assessed upon the annual value of holdings or upon the improved or unimproved value of holdings as the case may be, according as the Resident after consultation with the Sanitary Board may determine; provided that such rate or rates if assessed upon the annual value of holdings shall not exceed

- (a) in the case of a rate or rates imposed under Section 25. twenty per centum in the aggregate of such annual value.
- (b) in the case of an improvement rate imposed under Section 26. fifteen per centum of such annual value.
- (c) in the case of a drainage rate imposed under Section 26. five per centum of such annual value.

For  
cont.

29. (i) In any area in which the rates are assessed upon the annual value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings which being held under a document of title the terms whereof, express or implied, are not inconsistent with the right to build a house or houses covering one-half the area of such holding and being within a distance of 100 feet of any public street have no house erected thereon: provided that

Improvement rate where rates are assessed on annual value.

(a) in the case of a holding whereof part only is within a distance of 100 feet of a public street the said rate shall not be imposed on any part of such holding which is distant more than 100 feet from a public street: and

(b) in the case of a holding whereof a part only has no house erected thereon the said rate shall not be imposed upon such part unless the area of such part exceeds one-half of so much of the area of such holding as is within a distance of 100 feet from a public street.

(ii) The said rate shall not be payable in respect of any holding until the expiration of three years from the date of the registration of the document of title under which the same was first alienated, nor in respect of any holding which shall have been included within a Sanitary Board area for a period of less than three consecutive years.

30. In any area in which the rates are assessed upon the unimproved value of holdings the improvement rate referred to in Section 26 may be imposed upon all holdings the improved capital value of which does not exceed the unimproved capital value of the same by twenty-five per centum.

Improvement rate where rates are assessed on capital value.

31. The drainage rate referred to in Section 26 may be imposed only to meet the cost of maintenance of any system or systems of drainage constructed under Section 116.

Drainage rate.

32. The rates referred to in Sections 25 and 26 shall endure for any period not exceeding twelve months and shall be payable half yearly in advance by the owners of holdings at the office of the Sanitary Board or other prescribed place or places in the months of January and July, and shall be assessed and levied in manner hereinafter provided.

Duration of rate.

33. All holdings used exclusively as places for religious worship, all duly licensed public burial and burning grounds used exclusively for such purposes, all holdings used exclusively for public schools or for charitable purposes or for the purposes of science, literature or the fine arts and not for pecuniary profit, and all holdings belonging to or rented by the Ruler of the State or the Government of the State or of the Federated Malay States may by direction of the Resident be exempted from the payment of any rate.

Exemptions from rate.

34. When any holding is used wholly or partly for recreational or social purposes the Resident may exempt such holding from the

Exemption or reduction of rate.

payment of all or any rates or may reduce the amount of any rate imposed upon such holding.

Minimum rate payable.

35. When the rate in respect of any holding would not amount to fifty cents in one year no rate shall be payable thereon.

Preparation of assessment list.

36. The Chairman shall cause an assessment list of all holdings not exempted from the payment of rates to be prepared, containing

- (a) the name of the street or locality in which such holding is situated;
- (b) the designation of the holding either by name or number sufficient to identify the same;
- (c) the names of the owner and occupier, if known;
- (d) the unimproved value of the holding;
- (e) the improved value of the holding;
- (f) the annual value of the holding;
- (g) the amount of the rate assessed thereon;

provided that in areas in which the rates are assessed upon the annual value of holdings the unimproved and improved values thereof need not be entered in the assessment list.

Designation if name of owner unknown.

37. When the name of the owner or occupier is not known it shall be sufficient to designate him in the assessment list and in any proceeding to recover any rate as the "owner" or "occupier" of the holding in which the rate is assessed without further description.

Returns may be required.

38. (i) In order to enable the Board to assess the value of holdings liable to assessment the Chairman may require the owner or occupier thereof to furnish returns of the area, situation, quality, use and value thereof and to give all such information as may be necessary for the preparation of the assessment list or otherwise for the purpose of an assessment, and for the like purpose the Chairman or any person appointed by him for that purpose may, at any time between sunrise and sunset, enter and inspect and if necessary survey the same.

(ii) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier without twenty-four hours' previous notice to such occupier specifying the hour as near as may be of such intended entry.

Penalty for not furnishing returns.

- (iii) Any person who
  - (a) refuses or fails to furnish such return or to give such information as aforesaid for the space of one week from the day on which he has been required so to do;
  - (b) knowingly makes a false or incorrect return or gives false or incorrect information;
  - (c) hinders, obstructs or prevents the Chairman or any person appointed by him as aforesaid from entering, inspecting or surveying any such holding,

shall be liable to a fine of five hundred dollars.

39. (i) When the assessment list has been completed the Chairman shall give public notice of the same, and of the place where the list or a copy thereof may be inspected, in the *Gazette* and in such other manner, either by advertisement in a newspaper or by placards posted in conspicuous places or by both, as the Board may think fit.

Notice of assessment list to be published.

(ii) Any person claiming to be either owner or occupier of a holding included in the list, or the agent of any such person, may inspect the list and make extracts therefrom without charge.

(iii) The Chairman shall give public notice in the same manner of a day not being less than six weeks from the date of the notification in the *Gazette* when the Board will proceed to revise the assessment list, and in all cases in which any holding is for the first time assessed or the assessment thereon is increased the Chairman shall also give notice to the owner or occupier thereof.

Notice of time for revision.

40. Any person aggrieved on any of the following grounds--

Objections.

(a) that any holding for which he is rateable is valued beyond its rateable value; or

(b) that any holding is assessed which is not rateable; or

(c) that any person who, or any holding which, ought to be included in the list is omitted therefrom; or

(d) that any holding is valued below its rateable value; or

may make objection in writing to the Chairman at any time not less than fourteen days before the time fixed for the revision of the assessment list.

41. (i) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorised agent as they think fit and the revision of the assessment list has been completed the amendments made in the list shall be authenticated by the signatures of two members of the Board, who shall at the same time certify that no valid objection has been made to the assessment contained in the list except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made the rate so assessed shall be deemed to be the rate for the whole year next following that in which the assessment was made.

Authentica-  
tion of assess-  
ment list.

(ii) The list when amended under this section shall be deposited in the office of the Board and shall be open there during office hours to inspection by all owners and occupiers of holdings comprised therein, and a public notice that it is so open to inspection shall forthwith be published.

42. (i) Where

(a) the name of any person or any holding which ought to have been inserted in or omitted from the assessment list has been omitted or inserted, or any holding has been insufficiently or too highly assessed owing to mistake, oversight or fraud, or

Amendments  
to assessment  
list.

36 of 1933.

(b) the value of any holding has been increased by building or other improvement  
 (c) the Board may at any time amend the assessment list.

(ii) Notice shall be given to all persons interested in the amendment of a time, not less than one month from the date of the service of such notice, at which the amendment is to be made.

(iii) Any person aggrieved on any of the grounds specified in Section 40 may make objection in writing to the Chairman before the time fixed in the notice or in writing or orally at that time, and shall be allowed an opportunity of being heard in person or by authorized agent as he thinks fit.

(iv) Any amendment made in the list in accordance with this section shall be authenticated by the signature of two members of the Board.

(v) Where on account of any amendment in the list the rate payable in respect of any holding is enhanced, reduced or extinguished, the new rate shall be payable, or the rate shall cease to be payable, from the commencement of the next half year only.

New assessment list.

43. It shall be in the discretion of the Board either to prepare a new assessment list every year or to adopt the assessment contained in the list for any year, with such alterations as are in particular cases deemed necessary, as the assessment for the year following giving the same notice of the assessment as if a new assessment had been prepared.

Appeals.

44. (i) Any person who having made an objection in the manner prescribed by Section 40 or Section 42 (iii) is dissatisfied with the decision of the Board thereon may appeal to the Supreme Court provided that with the presentation of the petition of appeal there shall be paid into Court the amount of the rate appealed against.

(ii) Every such appeal shall be commenced with fifteen days of the date of the certificate of the Board under Section 41, or in the case of any subsequent amendment under Section 42 within fifteen days of the receipt by the person dissatisfied of notice of such amendment.

(iii) The Chairman shall be the respondent in any appeal under this section.

(iv) Every such appeal shall be heard before the Court of a Justice and the decision of such Court shall be final and conclusive.

Point

Rates to be a first charge.

Sub. by Act. 16/62

45. Subject to the provisions of the Land Code, the rate shall be a first charge on the holding in respect of which it is assessed, if not paid within the prescribed time shall be recoverable in the manner hereinafter provided.

Proceedings in default.

46. (i) If any sum payable in respect of any rate remains unpaid at the expiration of the prescribed time a notice, substantially in

Form A in the Schedule, shall be served on the person or any one of the persons, if more than one, liable to pay the same, calling on him to pay the same together with a fee of fifty cents for cost of the notice within fifteen days of the service of such notice. *Provided that a separate*

(ii) If no person liable to pay the same can be found such notice shall be deemed to have been duly served by the posting thereof at the office of the Sanitary Board and by fixing a copy thereof on some conspicuous part of the holding in respect of which the rate is payable. *or any other holding.*

(iii) If at the expiration of the said period of fifteen days or such further period as may be allowed by the Chairman, if any, such sum or any part thereof remains due and unpaid, it shall be deemed to be an arrear and may be recovered as hereinafter provided.

47. (i) For recovery of an arrear the Chairman may issue a warrant of attachment, substantially in the Form B in the Schedule, and may seize by virtue thereof any movable property, wherever found within the Sanitary Board area, of any person liable to pay the same, and may also seize any movable property to whomsoever belonging which is found on the holding in respect of which the arrear is due.

*Proceedings for recovery of an arrear.*

(ii) The warrant shall be executed by an officer of the Board who shall make an inventory of the property attached thereunder, and shall at the same time give notice substantially in the Form C in the Schedule to the person in possession of the property at the time of attachment.

(iii) Such officer may break open in the daytime any house or building for the purpose of effecting such attachment.

(iv) The fee for the cost of a warrant of attachment shall be one dollar and fifty cents and shall be costs of the attachment.

48. (i) Unless the arrear with costs be paid within seven days from the date of the attachment the property attached or such part thereof as may be necessary shall be sold by public auction; provided that when the property seized is of a perishable nature or when the expense of keeping it in custody will exceed its value it may be sold at once.

*Sale of property attached.*

(ii) The expenses of the maintenance of live stock and the custody of movable property shall be costs of the attachment.

49. The proceeds of sale shall be applied in satisfaction of the arrear together with interest thereon at the rate of six per centum per annum and costs, and the surplus, if any, shall be paid to the person in possession of the property at the time of attachment.

*Application of proceeds of sale.*

50. (i) If the arrear cannot be recovered in the manner aforesaid it shall be lawful for the Registrar or Assistant Registrar of the Supreme Court upon application made by the Chairman, or by any officer of the Board authorised by the Chairman in that behalf, to order the

*Attachment and sale of holding.*  
30 of 1934.

arrear, with interest and costs, or given security for the same to the satisfaction of the Court.

54. If the sum due from the owner of any holding on account of any rate or costs is paid by the occupier of such holding such occupier may, in the absence of any agreement to the contrary with the owner, deduct from the next and following payments of his rent the amount which may have been so paid by him.

Recovery of rates paid by occupier.

Held by Act  
70/67

55. The production of the books purporting to contain any rate or assessment made under this Enactment shall, without any other evidence whatever, be *prima facie* proof of the making and validity of the rates or assessment mentioned therein.

Evidence of rates.

56. (i) No valuation or rate assessed thereon, no charge or demand of any rate and no attachment or sale shall be impeached or affected by reason of any mistake in—

Assessment, etc., not to be impeached for want of Form.

- (a) the name of any person liable to pay the rate;
- (b) the description of any holding liable to such rate;
- (c) the amount of the rate assessed thereon;
- (d) the mode of attachment or sale;

provided that the direction of this Enactment or of any by-law made thereunder is in substance and effect complied with.

(ii) No proceedings under this Enactment for the recovery of any rate shall be quashed or set aside in any Court for want of Form.

57. (i) Whenever any rateable holding within a Sanitary Board area is sold or transferred it shall be the duty of the purchaser or transferee within three months after such sale or transfer to give notice thereof to the Board in writing.

Notice of transfer of rateable holding.

(ii) Whenever the owner of any rateable holding within a Sanitary Board area dies it shall be the duty of the person becoming the owner thereof by succession or otherwise to give notice thereof in writing to the Board within one year after the death of the deceased.

Notice of death.

(iii) The notice to be given under this section shall be in Form D or Form E in the Schedule as the case may require.

(iv) On receipt of such notice the Board may require the production of the instrument effecting change of ownership, or of a certified copy thereof.

Production of instrument.

(v) Every person who sells or transfers any rateable holding within a Sanitary Board area shall continue liable for the payment of all rates payable in respect of such holding and for the performance of all other obligations imposed by this Enactment or by any by-law made thereunder upon the owner of such holding which become payable or are to be performed at any time before notice of such transfer has been given or until the sale or transfer has been recorded in the books of the Board.

Liability for rate where notice not given.



*Notwithstanding that  
a purchaser becomes  
a proprietor such  
obligations were  
imposed before  
notice of such  
or transfer had  
been given  
as aforesaid.*

Notice of  
new build-  
ings.

Notice of  
demolition.

Refund on  
unoccupied  
buildings.  
36 of 1933.

(vi) Nothing herein shall affect the liability of the purchaser or transferee to pay the rates in respect of such holding or to perform such obligation as aforesaid, or affect the right of the Board or the Chairman to recover such rate or to enforce such obligation under this Enactment.

(vii) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

58. (i) When any new building is erected or when any building is rebuilt or enlarged or when any building which has been vacant is re-occupied the owner of the holding whereon such building is situate shall within fifteen days give notice thereof in writing to the Board.

(ii) The said period of fifteen days shall be reckoned from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or rebuilt or of the enlargement, as the case may be, and in the case of a building which has been vacant from the date of the re-occupation thereof.

(iii) When any building or portion of a building on any rateable holding is demolished or removed otherwise than by the order of the Chairman the owner of such holding shall give notice thereof in writing to the Board. Until such notice is given the owner shall continue liable to pay rates in respect of such holding as though such building or portion of a building had not been demolished or removed.

(iv) Every person failing to give any notice required by this section shall be liable to a fine of twenty-five dollars.

59. (i) If any building is unoccupied and no rent is payable in respect thereof during a period of not less than one calendar month in any half year in respect of which a rate has been paid under this Enactment the Chairman may order the refund of a part of such rate proportionate to the period during which the building has been unoccupied.

(ii) No refund shall be ordered unless the person claiming the same shall have within seven days from the commencement of the period in respect of which the refund is claimed given written notice to the Chairman of such vacancy and shall have claimed payment thereof in writing not later than one month after the expiration of the half year in respect of which the claim is made.

(iii) No refund shall be ordered in respect of any building unless the owner of the holding in question proves to the satisfaction of the Board—

- (a) that such building is in good repair and fit for occupation;
- (b) that every reasonable effort to obtain a tenant has been made;
- (c) that the rent demanded is a reasonable one;
- (d) that the building has been vacant during the whole period for which the refund is claimed.

(iv) Claims under this section shall state the dates between which the building was unoccupied and an address to which communications in reference thereto may be sent.

60. Sections 58 and 59 shall apply only within Sanitary Board areas in which the rates are assessed upon the annual value of holdings. Applications of Sections 58 and 59.

61. (i) In the case of buildings situated on mining land or on State land or on land reserved for a public purpose and not occupied by the Government of the Federated Malay States or of any of them the Resident, after consultation with the Board, may impose the rates referred to in Section 25 upon the annual value of all or any of such buildings, and the occupiers of such buildings shall be liable to pay the said rates: provided that buildings on mining land which are used as hospitals for the labourers employed thereon or which are occupied rent free as residences for such labourers shall be exempt from such rates. Provision for rating buildings on State or reserved land. 3 of 1931.

(ii) The provisions of this Part shall apply to any rate imposed under sub-section (i) provided that—

(a) in the application thereof references to a "holding" shall be deemed to be references to a "building," and references to the "owner" of a holding shall be deemed to be references to the "occupier" of a building;

(b) Sections 26, 28, 29, 30, 31, 45, 50, 54, 58 and 59 shall not apply to any such rate.

#### PART V.

#### PREVENTION AND EXTINCTION OF FIRES.

62. (i) The Chairman may cause fire alarms to be provided of such design and at such places as the Board may determine. Fire alarms.

(ii) The owner and occupier of any holding shall be bound to permit the erection on such holding of any fire alarm provided under sub-section (i).

63. Any person who pulls down, injures or conceals any fire alarm provided under Section 62 or wilfully gives or causes to be given any false alarm of fire by any such fire alarm shall be liable to a fine of two hundred and fifty dollars or to imprisonment for six months. Penalty for tampering with fire alarms.

64. (i) On the occasion of a fire the Chairman or the Superintendent or other officer in charge of the fire brigade on the spot may— Powers of Chairman, etc., at fires.

(a) remove or cause to be removed any person who in his opinion by his presence interferes with the due operations of the fire brigade;

(b) by himself or others take any measures that appear expedient for the protection of life and property;

(c) by himself or others enter, break into or through, take possession of or pull or throw down any premises for the purpose of putting an end to any fire.

(ii) All police officers may aid the fire brigade in the execution of their duty and may close any street in or near which a fire is burning.

Penalty for  
interference.

65. Any person who assaults, disturbs, hinders or interferes with any member of the fire brigade or any police officer or person assisting the fire brigade or acting under the orders of the Chairman or the officer in charge of the fire brigade on the spot shall be liable to a fine of one hundred dollars.

Enquiries  
into fires.

66. (i) Where any fire occurs within a Sanitary Board area whereby damage or loss is occasioned to any dwelling-house or other building, the Chairman may, if he thinks fit, and shall if requested thereto in writing by two or more rate-payers, institute an enquiry into the cause of such fire and the circumstances attending the same.

(ii) For the purpose of such enquiry the Chairman shall have and may exercise all the statutory and other powers which shall for the time being be vested in and exercisable by a Magistrate of the First Class for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses, and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such enquiry.

(iii) The Chairman shall within seven days from the conclusion of such enquiry transmit to the <sup>Prothonotary</sup> ~~Prothonotary~~ of the State the depositions taken by him together with his finding as to the cause of the fire.

#### PART VI.

#### OBSTRUCTIONS AND NUISANCES.

Obstructions  
in streets.

67. (i) Any person who—

(a) builds, erects, sets up or maintains or permits to be built, erected, set up or maintained any wall, fence, rail, post or any accumulation of any substance or other obstruction in any street or in any open arcade or verandah abutting on any street;

(b) except with the permission in writing of the Chairman covers over or obstructs any open drain, sewer or aqueduct along the side of any street;

(c) deposits or causes to be deposited any box, bale or package of merchandise or other article in or upon any street or in or upon any open arcade or verandah abutting on any street so as to prevent, hinder or delay the work of scavenging or to create obstruction or inconvenience to the public for a longer time than is reasonably necessary for loading or unloading such merchandise or article;

(d) causes or allows any carriage, cart or vehicle for the conveyance of persons or of goods or other articles to stand in any public road, except at such places as are appointed for such standing, for a longer time than is absolutely necessary to take up or set down any person or to load or unload any goods or other articles or to collect hire;

shall be guilty of causing an obstruction and liable to a fine of one hundred dollars.

(ii) If it is shown in any case that any box, bale or package of merchandise or other article has been deposited from any holding in contravention of this section in or upon any street or in or upon any open arcade or verandah abutting on any street it shall be presumed that the offence was committed by or by the permission of the occupier of such holding.

68. (i) The Chairman may remove or cause to be removed any such obstruction to a suitable place there to remain at the risk of the owner and person offending, and may detain the same there until the expenses of removal and detention are paid, provided that such power of removal shall be exercised only in regard to such streets as the Board may, with the approval of the <sup>Resident in Council</sup> Resident, prescribe and in the presence of such officer of the Board as the Chairman may nominate for that purpose.

Removal of obstructions.

(ii) If at the expiration of seven days from the date of removal the expenses of removal and detention shall not have been paid the matter that has been removed shall be sold by public auction or otherwise as the Chairman may direct.

(iii) The proceeds of sale, less expenses, shall if duly claimed be paid to the owner of the matter removed, but if such proceeds are not claimed within three months of the sale they shall become the property of the Government.

69. No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back-lane, and the Chairman may where any such obstruction exists take down and remove the same.

Obstructions in back-lane.

70. (i) The Chairman may give notice in writing to the owner or occupier of any holding to remove or alter any projection, encroachment or obstruction which has been or may be erected or placed against or in front of any building on such holding if such projection, encroachment or obstruction overhangs or juts into or in any way projects into or encroaches upon or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any aqueduct, drain or sewer in such street.

Projections and encroachments may be removed.

(ii) Such owner or occupier shall within fourteen days after the service of such notice upon him remove such projection, encroachment or obstruction, or alter the same in such manner as is therein directed; provided that if such projection, encroachment or obstruction has been lawfully made the expenses of removal or alteration thereof shall be borne by the Government.

(iii) No such projection, encroachment or obstruction shall be deemed to have been lawfully made unless the same was made before the holding was included within a Sanitary Board area or with the permission of the Chairman for the time being, and the onus of proof shall lie on the person asserting that the same was lawfully made.

Permission to erect projecting verandahs, etc.

71. (i) The Chairman may give permission in writing to the owner or occupier of any holding abutting on a public street to put up upon any building on such holding open verandahs, balconies, sunshades, weather frames, sign boards and the like to project over the street.

(ii) Any such permission may be withdrawn at any time.

(iii) After the withdrawal of any such permission the Chairman may give notice in writing to such owner or occupier to remove or alter any verandah, balcony, sunshade, weather frame, sign board or the like to which such permission related, and the said owner or occupier shall within fourteen days of the service of the notice carry out the work therein directed to be performed.

Deposit on street of building materials.

72. (i) No person shall deposit any building materials on or make a hole in any street without the permission in writing of the Chairman.

(ii) When such permission is granted to any person he shall cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the hole filled up or otherwise made secure to the satisfaction of the Chairman and shall cause the same to be sufficiently lighted during the night.

(iii) If any person—

(a) deposits materials or makes a hole without such permission;

(b) does not fence or enclose and light such materials or hole;

(c) does not remove such materials or fill up such hole or otherwise make it secure in the manner aforesaid when notice that the permission is withdrawn has been served upon him,

he shall be liable to a fine of fifty dollars and to a further fine of fifty dollars for every day during which the offence is continued, and the Chairman may cause such materials or hole to be fenced, enclosed and lighted and recover the expenses from such person.

Dangerous places to be repaired or enclosed.

73. (i) If any building, tank, well, hole or other place is for want of sufficient repair, protection or enclosure or from any other cause, in the opinion of the Board, dangerous to the public the Chairman may give notice in writing to the owner thereof to repair, protect or enclose the same forthwith so as to prevent danger therefrom.

(ii) Any owner who fails without reasonable cause to comply with such notice shall be liable to a fine of two hundred and fifty dollars.

Hedges and trees to be trimmed.

74. The Chairman may by notice require the owner or occupier of any holding to trim or prune the hedges thereof bordering any public street so that they do not exceed seven feet in height from the level of the street and in the case of hedges within fifteen yards of a corner four feet from the level of the street, and to cut and trim all trees overhanging any public street so that they do not injure the same or annoy the passengers thereon.

Depositing refuse on street or State land.

75. (i) Any person who—

(a) deposits or permits his servants or other persons, whether employed by him or not, to deposit any dust, dirt, dung,

ashes, garden, stable or trade refuse or filth of any kind or any animal matter or any broken glass or earthenware or waste paper or other rubbish in any street or upon any State land or land reserved for a public purpose except in such places, in such manner and at such hours as are fixed by the Chairman;

- (b) causes or allows the water of any sink or drain or any other offensive liquid matter belonging to him or being on his holding to run, drain or be thrown or put upon any street;
- (c) causes or allows any offensive matter from any sewer, latrine or cesspool to run, drain or be thrown into a surface drain,

shall be liable to a fine of twenty-five dollars.

(ii) If in any case it is shewn that any dust or other substance in this section mentioned has been deposited on any place in contravention of this section from any holding, or that any such water or any offensive matter has run, drained or been thrown or put upon or into any street or drain from any holding it shall be presumed that the offence was committed by or by the permission of the occupier of such holding.

76. (i) If any building or anything affixed thereto is in a ruinous state, likely to fall or in any way dangerous to the inhabitants or occupiers of such building or to any neighbouring buildings or to the inhabitants or occupiers thereof or to passengers it shall be deemed a nuisance and shall be liable to be dealt with under this Enactment.

(ii) The Chairman may immediately, if it appears to him to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers or take such other steps as appear to him necessary to render such building secure, or may demolish such building, and the expenses thereby incurred shall be paid by the owner of the building.

77. (i) Within any Sanitary Board area the Chairman shall take steps to remove, put down and abate all nuisances of a public nature on public or private premises which may tend either to injure the health or to affect in any way the safety or rights of the public, and shall if need be proceed against any person committing any such nuisance for the abatement thereof and for damages.

(ii) When anything declared to be a nuisance under Section 78 is also the subject of or included in any by-law in force for the time being the Chairman may at his option either take proceedings under this Part or take proceedings in respect of the contravention of the by-law, but shall not do both.

78. For the purposes of this Part—

- (a) any building or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;

Presumption.

Buildings in ruinous or dangerous state.

Nuisances to be abated.  
2 of 1932.

Nuisances liable to be dealt with summarily.

Prohibition  
order.

(iv) A prohibition order may prohibit the recurrence of a nuisance.

(v) An abatement order or prohibition order shall, if the person on whom the order is made so requires or if the Magistrate considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

Closing order.

(vi) A closing order may prohibit a dwelling-house from being used for human habitation.

(vii) A closing order shall only be made where it is proved to the satisfaction of the Magistrate that by reason of a nuisance a dwelling-house is unfit for human habitation, and if such proof is given the Magistrate shall make a closing order and may in addition impose a fine of two hundred dollars.

(viii) A Magistrate when satisfied that the dwelling-house has been rendered fit for human habitation may cancel the closing order.

(ix) A Magistrate making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred by the Chairman in obtaining the order.

(x) A summons and an order under this section may be respectively in Forms G and H in the Schedule.

Penalty for  
not comply-  
ing with  
order.

81. (i) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies the Magistrate that he has used all due diligence to carry out such order, be liable to a fine of ten dollars for every day during which such default continues.

(ii) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be liable to a fine of twenty dollars for every day during which such contrary action continues.

(iii) In either of the cases mentioned in sub-sections (i) and (ii) the Chairman may be authorised by the Magistrate by whom the nuisance order was made to enter on the holding to which the nuisance order relates and abate or remove the nuisance and do whatever is necessary in execution of such order, and the expenses thereby incurred shall be paid by the person in default.

Ejection  
after closing  
order.

82. (i) Where a closing order has been made with respect to any dwelling-house the Chairman shall serve notice of the order on every occupier of the dwelling-house and within such period as is specified in the notice, not being less than seven days after the service thereof, the order shall be obeyed by him and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable to a fine not exceeding ten dollars a day during his disobedience to the order, and a Magistrate shall, upon application by the Chairman, make a summary order for his ejection and the same may be carried into effect by any police officer not below the rank of Sergeant.

(ii) The owner of such dwelling-house shall make to every tenant whose tenancy has not been lawfully determined such reasonable

allowance on account of his expenses in removing as a Magistrate may allow or order, and such allowance may be recovered in the manner provided in Section 23.

83. (i) Where a closing order has been made in respect of any dwelling-house and has not been cancelled by a subsequent order, if in the opinion of the Board—

Demolition order.

- (a) the dwelling-house has not been rendered fit for human habitation;
- (b) the necessary steps are not being taken with all due diligence to render it so fit; and
- (c) the continuance of any building being or being a part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses,

the Chairman may make a complaint to a Magistrate and such Magistrate after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within a time specified in the order.

(ii) The order may also contain a direction that the materials of the building or any part of such materials shall be destroyed.

84. (i) Where an order for the demolition of a building has been made the owner thereof shall within the time mentioned in such order take down and remove the building and if the order for demolition so directs and to the extent therein mentioned destroy the materials thereof.

Execution of demolition order.

(ii) If the owner fails therein the Chairman shall proceed to take down and remove such building and if necessary destroy the materials, and may recover the costs of such work from the owner.

85. (i) If it appears to a Magistrate on the application of any owner of such dwelling-house that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made or in the demolition of any building or any dwelling-house and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Magistrate may make an order empowering the applicant forthwith to enter on the dwelling-house and within the time fixed by the order to execute the said works or to demolish the building.

Order for entry by owner.

(ii) A Magistrate may at any time by order enlarge the time allowed under any order for the execution of any works or the demolition of a building.

Enlargement of time.

(iii) Before any order is made under this section notice of the application shall be given to the Chairman.

(iv) Any person being the occupier of any dwelling-house who prevents or resists the entry or execution of any works or demolition of any building by an owner empowered for that purpose under



sub-section (i) shall be liable on conviction to a fine of five hundred dollars.

Remedies for breach of contract not prejudiced.

86. (i) Nothing in this Part shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any agreement or contract entered into by a tenant or lessee in respect of which an order is made under this Part.

(ii) If any owner is obliged to take possession of any dwelling-house in order to comply with any such order the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that has occurred prior to his so taking possession.

*Ex parte* order in case of urgency.

87. (i) If in any case in which a Magistrate has jurisdiction to make a nuisance order such Magistrate is of opinion that the matter complained of is injurious or dangerous to health or safety and that the immediate abatement thereof or work sought to be done will not cause any injury which cannot be compensated for by damages, such Magistrate may by an *ex parte* order authorise the Chairman immediately to abate the nuisance or do the work sought to be done.

(ii) If the Chairman so abate the nuisance and the application for a nuisance order is subsequently refused the cost of such abatement or work and the damages, if any, sustained thereby by any person shall be paid by the Government, but if the nuisance order is granted the Chairman may recover the cost of the abatement or work.

Appeals.  
2 of 1932.

88. (i) An appeal may be brought against a nuisance order or against any refusal to make a nuisance order in the manner provided by Chapter XXX of the Criminal Procedure Code, provided that no appeal shall lie unless the order made or refused is or includes a prohibition or closing order or requires the execution of structural works.

(ii) No appeal against a refusal to make an order shall be brought except by or with the written sanction of the Chairman.

(iii) In any appeal against a nuisance order the Chairman shall be the respondent.

#### PART VII.

### STREETS AND BUILDINGS.

#### BUILDINGS.

Matters which may be regulated by building by-laws.

89. (i) The powers hereinbefore given to the Board to make by-laws for the regulation of buildings and building operations, and with respect to the prohibition of the erection of buildings of a particular class, design and appearance in particular districts, localities or streets or portions of streets within the Sanitary Board limits, hereinafter called the building by-laws, shall include the power to make by-laws in respect of all or any of the following matters—

(a) the submission of plans and specifications including block or site plans, and the fees to be paid on such submission;

- (b) the authorisation of persons qualified to submit plans and specifications, and the nature or classification of plans and specifications which each such person may submit;
- (c) the foundation of buildings and the mode of pavement;
- (d) the drainage of buildings, including the provision of rain-water, sullage, waste and soil pipes;
- (e) the provision of light and air to rooms or cubicles, if any, and other parts of buildings;
- (f) the size and dimensions of any room or cubicle in a building;
- (g) the mode in which the open space required to be left under Section 100 shall be situated and arranged;
- (h) the formation and enclosure of back yards, including the materials and height of the wall separating them from any street or back yard, and the means of communication between the street or back-lane and the back yards;
- (i) the prevention of damp in buildings;
- (j) the stability of structure and quality of materials to be used in buildings and the tests to be applied thereto;
- (k) security against fire and, in the case of places of public resort, the means of ingress and egress in case of fire or accident;
- 6227/25 (KK) ← (l) the construction, width and level of arcades or pavements for the use of foot passengers along that part of any building which abuts on a street;
- (m) the supply of sufficient latrine and urinal, bath-room and kitchen accommodation, and enforcing the adoption of any particular type of latrine, closet or urinal approved by the Board;
- (n) the rounding off of corners when buildings are erected;
- (o) the provision of satisfactory approaches to buildings;
- (p) the prohibition of occupation of any building until a certificate of fitness for occupation has been given by the Board;
- (q) the construction and number of cubicles in buildings;
- (r) the construction of roofs;
- (s) the width and construction of stairs and passages.

(ii) Nothing in this section shall in any way restrict the generality of the powers conferred on the Board by Section 16 but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it is expedient to make by-laws for the regulation of building and building operations or the prohibition of the erection of buildings of a particular class, design and appearance.

90. (i) Every person intending to erect or re-erect any building shall submit to the Board plans and specifications of the proposed building prepared in accordance with this Enactment and the building by-laws.

Notice of new buildings.

Board  
may give  
directions.

(ii) The Chairman may give written directions to the person submitting a plan and specification with regard to any of the following particulars—

- (a) compliance with this Enactment and the building by-laws;
- (b) the site of any building and the space to be left about any building to secure free admission of light and circulation of air and to facilitate scavenging in addition to the open space referred to in Section 100;
- (c) the levels at which the foundation and lowest floor are to be laid;
- (d) the raising of the level of the site to form a stable and healthy foundation and the materials to be used in raising the same;
- (e) the line of frontage with neighbouring buildings, if the building abuts on or is within fifty feet of a public street;
- (f) the front elevation, and where the side elevation abuts on or is within fifty feet of a public street the side elevation;
- (g) the setting forward or back of buildings to the regular line of the street as hereinafter defined;
- (h) the class, design and appearance of the building when the building is to be erected in a district, locality or street in which only buildings of a certain class, design or appearance may be erected;
- (i) the provision of a sufficient and pure water supply within a reasonable distance of the building;

Obedience to  
directions.

(iii) The person to whom any written directions are so given shall amend the plan and specification accordingly.

Buildings  
directed to be  
set forward.

(iv) Where a building is directed to be set forward to the regular line of the street, it shall be a sufficient compliance with such direction if a wall or fence of such materials or dimensions as are approved by the Board is erected along the line.

Compensation  
where build-  
ing directed  
to be set back.

(v) If the Chairman directs any person submitting the plan of a building to set such building back to the regular line of the street, compensation shall be paid to him in accordance with Section 106, but no compensation shall be made in respect of any land required for the purpose of an arcade or pavement for the use of passengers or for any approach or for rounding off of corners.

Notice of  
commence-  
ment or  
resumption of  
building  
operations.

91. (i) No person shall commence any building operations involving the erection or re-erection of a building or, in the case of any operations the progress whereof has been suspended for a period exceeding three months, resume any such building operations unless—

- (a) he has given to the Board four days' notice of his intention to commence or resume such operations with particulars of the intended works; and
- (b) a plan and specification of the building have been approved by the Board within one year before the date of the notice.

Provisions  
in the  
case of

(ii) Where any building operations have been commenced on any land and the building not being completed work thereon has been

suspended for a period of three months, the Chairman may, unless the owner satisfies him that the building is being efficiently watched, by notice in writing require the owner of the land whereon such building operations have been commenced to close up, within such time as is stated in such notice, such building so as to prevent access thereinto by any person, and, if he thinks it desirable may specify any works to be executed for that purpose.

suspension of building operations.

(iii) Any owner who fails to comply with the requirements of such notice shall be liable to a fine not exceeding ten dollars for each day during which such non-compliance continues, and the Chairman may cause the work to be done, and the owner shall pay the cost and expense thereof.

Penalty.

91 A - - - - - No person shall commence or - - - - -

A289/75

92. Any person who

habits.

- (a) commences or resumes building operations in contravention of Section 91;
- (b) deviates from any plan or specification approved by the Board without its written permission;
- (c) executes any building operation in contravention of any of the provisions of this Enactment or of any of the building by-laws; or
- (d) fails to comply with any lawful order or written direction of the Board;

shall be liable to a fine of three hundred dollars and to a daily fine of ten dollars for every day on which the offence is continued after conviction, and a Magistrate may, on the application of the Chairman, make an order requiring such person to alter in any way or demolish the building.

92 A 292 B - - - - - A289/75

93. (i) A person shall be deemed to erect a building who

What constitutes erecting a building.

- (a) begins work on a new building;
- (b) adds to or alters any existing building in such a manner as to involve
  - (1) new foundations; or
  - (2) new or partly new or increased superstructure on existing foundations;
- (c) converts into a dwelling-house any building not originally constructed for human habitation;
- (d) converts into more than one dwelling-house a building originally constructed as one dwelling-house;
- (e) converts to other purposes a house originally constructed as a dwelling-house;
- (f) departs either before or after the completion of the building in any particular from any plan or specification approved by the Board at any time in respect of such building;
- (g) infringes the provisions of this Enactment as to buildings or of the building by-laws; or

(h) renews or repairs any existing building in such a manner as to involve a renewal, reconstruction or re-erection of any portion of any outer or party wall to the extent of one storey in height, whatever the material of such outer or party wall is.

Owner liable. (i) Where any building operations are commenced or carried out in respect of any building they shall be deemed to have been commenced or carried out by the owner of the holding whereon such building is erected, and he shall be liable therefor.

Requisition not delivered within two months. 94. If the Board does not, within two calendar months after the submission of plans, approve such plans or make written requisition with regard thereto the person submitting the plan may apply to the Resident and the powers vested in the Board with regard to such plans shall vest in the Resident.

Land to be set apart for back-lane. 95. (i) A Sanitary Board shall not approve the plan of any domestic building unless  
 (a) the open space, if any, required to be left under Section 100 is shown to abut on a back-lane of such width not exceeding twenty feet, as is required by the Board; or unless  
 (b) the person submitting his plan surrenders to the State a strip of his land sufficient together with other land, if any, available for such purpose to form a back-lane of such width, not exceeding twenty feet, as is required by the Board.

Where ventilation otherwise provided for. (ii) Where in any particular case it is shown to the satisfaction of a Sanitary Board that ventilation and conservancy are otherwise sufficiently and permanently provided for, the Board may approve a plan notwithstanding that the conditions of sub-section (i) have not been complied with.

Situation of back-lane. 96. The back-lane shall, where a Sanitary Board so requires, be situated so as to conform with such line as is laid down therefor by the Board, and so as to communicate at each end thereof with the land surrendered for a back-lane by the owners of the properties on each side thereof or laid out as a back-lane, and the same shall wherever possible open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

Non-approval of plan where building site does not abut on land available as a back-lane. 97. Where upon the submission of a plan of any domestic building for the approval of a Sanitary Board, it appears that the site thereof does not abut upon any land so situated as to be capable of being surrendered for or laid out as a back-lane in conformity with the line laid down by the Board therefor, the Board may refuse to approve the plan until the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site has been acquired and added to the holding in respect whereof the plan has been submitted, and the person submitting the plan has reimbursed the State for the cost of such acquisition.

98. Where in any such case as is referred to in the last preceding section the person submitting the plan so requests, the ~~Resident~~ <sup>Authority</sup> may acquire the land situate between the site of the domestic building and the line of the back-lane or intended back-lane immediately opposite such site for the purpose of the same being added to the holding in respect whereof the plan has been submitted.

Acquisition of land between building site and line of back-lane. R.M. 1/10

99. In cases where the surrender would cause a severance of land belonging to the owner from other land forming part of the same holding and the lesser portion of the land so severed has been rendered useless as a building site on account of the severance, the ~~Resident~~ <sup>Authority</sup> shall, if the owner so requires, acquire such lesser portion.

Compensation in special cases.

100. (i) Every building which any person intends to erect or re-erect for the purpose of being used wholly or in part as a domestic building shall, unless the Board is of opinion that in any particular case air space is otherwise sufficiently and permanently provided for have directly attached thereto an open space exclusively belonging thereto.

Open spaces to be provided. 2 of 1934.

(ii) Such open space exclusive of party or external walls shall be not less than one half of the area covered by the building.

(iii) In calculating the open space such latrines, bathing places and cooking places as are deemed necessary by the Board for the use of the inhabitants of the building and do not exceed in height the level of the ground floor storey shall be reckoned as neutral, and half the area of that portion of the back-lane, if any, provided in accordance with this Part immediately opposite the building shall be deemed to be included, but no space occupied by air wells shall be reckoned in calculating any open space.

(iv) Any person aggrieved by a direction of the Board with regard to the situation and arrangement of the open space required to be left in any respect not specially provided for by the building by-laws may within fourteen days appeal to the Resident whose decision shall be final.

(v) Nothing in this section contained shall be deemed to invalidate any by-law requiring the provision of a larger open space than the minimum herein prescribed.

(vi) No compensation shall be payable in respect of any land not built on by reason of the provisions of this section.

101. For the purposes of Sections 95 and 100 "a domestic building" shall be deemed to include a dwelling-house, offices or other outbuildings appurtenant to a dwelling-house, whether attached thereto or not, and a shop, workshop or factory and a school and any other building used, constructed or adapted to be used for human habitation in whole or in part.

Meaning of domestic building.

102. (i) Wherever any open space has been provided in connection with any building in pursuance of this Enactment or of any former

Open space not to be altered or roofed.

Sanitary Board Enactment or of the building by-laws it shall not be lawful

- (a) to make any alteration in such open space;
- (b) to roof over any portion thereof so as to diminish the area of such open space.

Penalties.

(i) Any person who acts in contravention of this section shall be liable to a fine not exceeding one hundred dollars, and a Magistrate may, on the application of the Chairman, make an order against such person requiring him to remove any such alteration or roof or otherwise to do such works as will make the open space conform to this Enactment and the building by-laws.

Alteration in use of building other than domestic building.

103. (i) No person shall use or knowingly permit to be used for the purposes of human habitation any building originally constructed for use otherwise than as a domestic building.

Provided that—

- (a) any such building may be used for the purposes of habitation by not more than two persons placed therein to take care thereof; and
- (b) if such building is in all respects in accordance with the law for the time being in force regarding domestic buildings, and if such part of the building as is intended to be used as a domestic building has undergone such structural alterations, if any, as are necessary in the opinion of the Board to render it fit for that purpose, the same may be used as a domestic building.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

Alteration in use of dwelling house.

104. (i) No person shall use or knowingly permit to be used, any building originally constructed for a dwelling-house for any purpose other than a dwelling-house, office, counting-house or shop without the sanction of the Board; and the Board may give its sanction subject to such conditions as it thinks fit.

(ii) Any person who offends against this section shall be liable to a fine of one hundred dollars and to a further fine of ten dollars for every day during which the offence is continued.

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Erection of galleries, lofts, etc., prohibited.

105. (i) No person shall erect or cause or permit to be erected in any house any partition, compartment, gallery, loft, roof, ceiling or other structure without having previously obtained the consent in writing of the Chairman.

(ii) In every case the owner of the house shall be deemed to have permitted such erection until the contrary is proved.

(iii) Any person who acts in contravention of this section shall be liable to a fine of twenty-five dollars, and to a further fine of ten dollars