

LEGAL NOTICE No. 135

THE PHYSICAL PLANNING ACT

(No. 6 of 1996)

IN EXERCISE of the powers conferred by section 49 of the Physical Planning Act, the Minister for Lands and Settlement makes the following Rules:—

THE PHYSICAL PLANNING (BUILDING AND DEVELOPMENT) (CONTROL) RULES, 1998

PART I—PRELIMINARY

- Short title. 1. These Rules may be cited as the Physical Planning (Building and Development) (Control) Rules, 1998.
- Interpretation. 2. In these rules, unless the context otherwise requires—
- “applicant” means the owner, lessee or occupier, of land or premises and includes his duly authorized agent or representative;
- “building” has the meaning assigned to it by section 3 of the Act;
- “building line” means a line drawn across a plot such that no building or permanent structure, except a wall of approved design enclosing the plot, may be within the area contained between that line and the nearest road on which the plot has frontage;
- “business or commercial area” means any area or zone wherein the building will be permitted of business and commercial premises and such other building as the Director of Physical Planning may approve and includes land used as open space or other public place;
- “business premises” means a building or part of a building used or designed to be used for the purpose of carrying on retail trade or business (not being a petroleum filling station) and includes any office, store and workroom or stockroom on the same premises as and incidental to the conduct of such retail trade or business;
- “caretaker’s quarters” means a building or part of a building designed for use as caretaker’s residential quarters and having a total area not exceeding 37 sq. m. (400 sq. ft.);
- “commercial premises” means a building or part of a building used or designed for use as an office or for the conduct in such building or any business but does not include a petroleum filling station or an industrial building;
- “coverage” as applied to a building means the portion of the horizontal area of the site of the building permitted to be built on under the provisions of these Rules at each floor level;
- “development” has the meaning assigned to it by section 3 of the Act;
- “development plan” has the meaning assigned to it by section 3 of the Act;
- “Director of Physical Planning” has the meaning assigned to it by section 3 of the Physical Planning Act;
- “domestic building” means a building used, constructed or adapted to be used in whole or in part for human habitation or any combination

thereof or any other building not being a public building or a building of the warehouse class;

“double dwelling” means a building or a maximum of two storeys designed to contain exclusively two self-contained dwellings together with such out-buildings as are ordinarily used therewith;

“dwelling” means a building or any part or portion of a building used or constructed, adapted or designed to be used for human habitation as a separate tenancy or by one family only, whether detached, semi detached or separated by walls or by floors from adjoining buildings, together with such out-buildings as are reasonably required to be used and enjoyed therewith, and shall include any residential flat or apartment;

“dwelling house” means a building designed for use exclusively as one self contained dwelling by a single family, together with such out-buildings as are ordinarily used therewith;

“external wall” means an outer wall or vertical enclosure of a building not being a partywall even though adjoining a wall of another building;

“guest house” means a dwelling or a residence, not being a main dwelling and not leased as a separate self-contained dwelling, within the boundaries of a plot or sub-plot, which shall comprise not more than one room, one water closet, one bathroom and one verandah, and the total plinth area shall not exceed 37 sq. m.(400 sq. ft.);

“habitable room” means a room designed or used for human habitation and includes any living room, office, workroom or any room designed or adapted or used for the purpose of sleeping, eating or cooking of food therein, or as a place for the habitual employment of any person;

“industrial building” is a building used for carrying on such trades or processes as in the opinion of the Director of Physical Planning, require the building to be cited within the industrial zone in accordance with the provisions of any development plan or zone plan or structure plan;

“industrial area or zone” means any area or zone restricted for use for industrial purposes and includes land or buildings to be reserved for or used for public purposes;

“internal open space” means a space which is surrounded or is liable to become surrounded with buildings or erections of any description either wholly or to such extent that the free passage of air into and throughout such space is or may be insufficiently provided for;

“latrine” or “latrine accommodation” means a receptacle for human excreta of both solid or liquid character, together with the structure containing and including such receptacle and the fittings and apparatus connected therewith and includes a water closet, pail closet and pit closet;

“medical officer of health” has the meaning assigned to it by section 2 of the Public Health Act; Cap. 242.

“movable dwelling” includes any tent, van or other conveyance whether on wheels or not, any sectional hitting shed or similar structure, being a tent, conveyance or structure which is used either regularly, or at certain seasons only, or intermittently for human habitation;

“noxious industrial building” means an industrial building or part of an industrial building used or designed to be used for the carrying on of such trade or process;

“occupier” means any person in actual lawful occupation of land or premises;

“owner” has the meaning assigned to it by section 3 of the Act;

“pail closet” means latrine accommodation and includes a movable receptacle for the reception of human excreta;

“partywall” means—

(a) a wall forming part of building and used or constructed to be used in any part of its height or length for—

(i) the separation of adjoining buildings;

(ii) the separation of semi detached building;

(iii) the separation of residential flats, shops and/or offices into separate occupancies or limited groups or such occupancies;

(b) a wall forming part of a building and standing in any part of its length to a greater extent than the projection of the footings on land of different owners.

“person” shall include any company or association or body of persons corporate or incorporate;

“petroleum filling station” is a building or part of a building used or designed for use for that purpose and includes provision for the servicing of vehicles;

“pit closet” means latrine accommodation when the receptacle for reception and retention of human excreta is formed by a pit or tank beneath the structure, and includes aqua privy;

“plinth area” means the sum total of the floor area contained in all the storeys of a building, the measurements for which shall be taken from the external faces of the enclosing walls or other boundaries of such buildings;

“plot or sub-plot” means any portion of land which is the subject of a separate registered conveyance, or sub-lease or any portion of a plot the position and boundaries of which are delineated on a plan or plan of subdivision prepared by the Director of Physical Planning or other competent authority;

“plot ratio” means the factor by which the area of a plot is multiplied to determine the maximum plinth area of a building permitted on that plot;

“public building” means a building used or constructed or adapted to be used ordinarily or occasionally as a place of public worship or as a hospital, college, school (not being a dwelling house so used), theatre (including a private theatre), an institution for persons admitted by ticket or otherwise or used or adapted to be used for any other public office or public purpose;

“quarrying” means the extraction of stone, sand or other minerals from the ground by manual or mechanical means;

“residential area” or “residential zone” means any area or zone restricted for used exclusively for residential purposes and includes land

reserved for open spaces, sports grounds or land reserved for public purposes;

“residential building” means a building (other than a dwelling house, double dwelling, terrace houses, special block of flats, block of flats or apartment house) designed and used for residential purposes, a residential club, boarding house, lodging house or hostel;

“road” means any street, highway or sanitary lane or any land reserved for a street, highway or sanitary lane and includes any bridge, footway, public area park, square, court, alley or passage whether a thoroughfare or not;

“servant quarter” means any building or part of a building used, designed or updated for use as a dwelling for occupation by domestic servants employed by the owner or occupier of any dwelling of which the quarters are deemed to form a part of one of the out-buildings ordinarily used therewith; such quarters shall comprise living or sleeping rooms, cooking, ablution and latrine accommodation;

“service industrial building” means a building or part of a building designed for use and includes the following classes, the total floor area of which should not exceed an area equal to one hundred and fifty per cent of the site area—

- (a) printing and book binding works;
- (b) bakery and confectionary;
- (c) dairy;
- (d) tailoring and dress making;
- (e) instrument making;
- (f) sign writing;
- (g) dry cleaning;
- (h) retail grindery;
- (i) minor electrical repairs;
- (j) plumbing and painting works,

or such other similar uses and includes storage of goods;

“special block of flats” means a two or more storey building designed in part to contain two or more self-contained dwellings, together with out-buildings as are ordinarily used therewith; the ground floor of the building not being used as a dwelling;

“store” means a building which is used or intended or designed to be used for the storage of any kind of materials including foodstuffs;

“tenement” or “apartment house” means a building not necessarily of two or more storeys, wholly or partially containing rooms or suites of rooms having a common entrance or common entrances and occupies or intended to be occupied as dwellings;

“terrace house” means a building designed to contain more than two self-contained dwellings arranged in a row or otherwise attached to one another and with such out-buildings as are ordinarily used;

“use and density zone map” means the map or maps prepared by the Director of Physical Planning and deposited in the office of the Local Authority and accordingly adopted by the local authority as relative to these Rules and on which is indicated the use and/or density zones for the whole or parts of the urban area;

“use” or “purposes” or “purpose” means the particular use or purpose for which a building or part thereof has been erected or to which it has lawfully been altered and not solely its general purpose as a domestic building, public building or other type of building and in a domestic building only that portion thereof which has been erected as a dwelling may be uses as such;

“water closet” means any latrine accommodation used or adapted or intended to be used in a water carriage system and comprising provisions for the flushing of the receptacle by means of a water supply;

“width” as it applies to a road, means the distance between the two sides of the space used or intended to be used or laid out or planned so as to admit of being used as a road, measured at right angles to the direction of the road.

PART II

SITINGS, AMENITIES DENSITY AND USE ZONING RULES

Vetting of building plans.

3. (1) Any person intending to erect a new building or re-erect an existing building shall comply with the provisions of the existing building code, local authority by-laws and the physical planning requirements and such conditions as may be imposed by the approving authority regarding the siting, size, height, shape and appearance of such building in order to safeguard, maintain or impose the dignity or preserve the amenity and general appearance of street, square, public place or have effect on the complemented appearance of such street, square or public place.

(2) All new buildings and all additions to existing buildings, particularly out-buildings, latrines and all drains and sanitary apparatus of any kind pertaining thereto shall be situated on such plot, sub-plot or other piece of land on which they may be built, as to ensure the best practicable hygienic and sanitary conditions and avoid as much as possible any nuisance or annoyance from the position and appearance of such latrines or buildings or from noise caused by the occupants of such out-buildings or from any other cause whatsoever.

Terminal features.

4. A person owning a plot upon which a building may be so sited as to form a terminal feature to a street or which may otherwise be prominently displayed shall site such building in such position as the local authority in consultation with the Director of Physical Planning may decide and that person shall comply with such stipulations as may be imposed with regard to siting, size, height, shape and appearance of such building.

Sites of public building.

5. (1) No person shall erect a public building on any site unless that site has been recommended by the Director of Physical Planning through the preparation of relevant part development plan or an advisory plan as the case may be and the same has been approved by the Minister, or by the relevant local authority.

(2) The Director of Physical Planning may refuse to recommend the site mentioned in subsection (1) on the grounds that—

- (a) the site is not suitable for the purpose;
- (b) the erection on the site of any such public buildings would be contrary to the public interest;
- (c) the site does not sufficiently provide for the safety of persons frequenting such public building or the general public;
- (d) the discharge of audiences or patrons from any such building on a site is likely to interfere with the safe conduct of traffic in the streets;
- (e) the site is so close to another public building that congestion of traffic may be possible; or
- (f) car parking provision on or in the vicinity of the site is, in the opinion of the Director of Physical Planning, inadequate.

(3) In the case of a theatre, cinematography halls, music halls and concert halls, the sites of these buildings shall have two sides as frontage to a public street and the street shall be of such width and direction as shall enable the persons accommodation in the premises to disperse rapidly in the event of fire or panic and as will afford facilities for the approach and use of fire appliances:

Provided that, where the local authority in consultation with the Director of Physical Planning so decides, a private open and paved passage way for the exclusive use of the audience of such theatre or hall leading to a street and having a minimum width of 7 metres (24 feet) may be regarded as equivalent to a public street.

6. (1) No building shall be erected on any plot or sub-plot which has no proper and sufficient frontage to a street, such street not being a sanitary lane or passage:

Front
frontage.

(2) No building shall, except with the prior written permission of the Director of Physical Planning, be so erected as to have its principal access to or its principal frontage abutting on a service lane, alley or passage,

(3) No means of access from a service lane for use by the public shall be permitted in any premises used for retail trade.
coverage.

7. (1) The size of plot within the area shown on any structure plan, development plan, advisory plan, zoning plan, subdivision plan approved by the Minister and adopted by the local authority shall not be subdivided into smaller sub-plots than the minimum specified thereon for the area within which the plot is situated without the consent of the Director.

Density.

(2) The minimum size of the plot or sub-plot prescribed for any area may be increased to a satisfactory extent if such minimum size is inconsistent with the amenity of the environs of any plot or portion of the area or if such increase is necessary for the proper development of the plot or sub-plot and if the nature of the ground necessitates large plots or sub-plots to obtain good hygienic conditions.

8. Each local authority shall in consultation with the Director determine the plot coverage and plot ratios depending on the zoning of the urban area and the level of urban services available.

Plot
coverage.

9. Except in the case of dwellings contained in a special block of flats or a block of flats where any building is designed or constructed or used so

Cartilage.

as to provide within the same building more than one dwelling for a single family, each such dwelling shall be deemed to be separate house and shall have its own separate area, cartilage or open space which shall be contiguous with such dwelling as if were a separate building and the number of such dwellings shall not exceed the number permitted under these Rules for the area within which building is situated.

Reduction
in plot area.

10. No plot on which a building is erected shall be reduced in area so that in relation to the reduced site the area covered by the building exceeds the percentage permitted for that class of building, except where the reduction in area is caused by acquisition of land by proper authority.

Alteration
of building
(change of
class).

11. Where the use of any building or part thereof of any one class or combination of classes be altered to that of another class or combination of classes for which a less amount of coverage is required under these rules not less than the minimum open space required under these Rules shall be provided for the class or combination of classes to which the building has been altered.

Building
Lines.

12. (1) The Director may prescribe a building line on any road to be such distance from the road reserve boundary as the Director may deem expedient for preserving the amenity of the road.

2. No person shall erect any building other than a boundary wall or other fence nearer to the road than such building line may be so prescribed:

Provided that at the discretion of the Director of Physical Planning such building line may vary in distance from the road boundary throughout a road or part thereof: Such building line shall generally be in accordance with the specification described below—

(a) where roads range between 6 m.—18 m. in width the building line shall be 6 m;

(b) for any road above 18 m. in width the building line shall be 9 m.

Back to
Back
Dwelling.

13. (1) No person shall erect a building in such manner as to provide any back-to-back dwelling.

(2) The expression "back-to-back" dwelling shall include any dwelling the whole of the habitable portion of which is not adequately and efficiently through-ventilated by means of ventilating aperture communicating directly with the external walls.

Access to
rear of
building
from street.

14. Access of not less than 1.6 m. (5ft.) in width shall be provided from the street to the rear of buildings other than through the building where such access is not provided from a side passage or rear line.

Access to
dwelling
and other
buildings.

15. (1) Every domestic building, every part of a building which in the opinion of the Local Authority may be from a separate tenancy or occupancy, shall have independent access to a street, such street not being a sanitary lane or passage:

Provided that—

(a) dwelling contained in a special block of flats or a block of flats; or

(b) separate offices within a building may have a common access to a street.

(2) Within every plot or sub-plot upon which it is intended to erect a domestic building there shall be laid out and constructed sufficient and suitably made footpaths of not less than 3 ft. (1m.) in width and where applicable, such vehicular ways as to provide adequate means of passage between the building and the nearest or most convenient road to which the plot or sub-plot has a frontage.

(3) Where any roadway is laid out and constructed for the purpose of providing access from any building to any road, street or lane it shall be extended from the boundary of the plot to the edge of the carriageway within the road, street or lane and the siting of such access road shall be in accordance with the specifications of the local authority.

16. (1) A canopy may, with the permission of the local authority in consultation with the Director of Physical Planning, be erected over a footway but such canopy—

Canopies
and
projections.

(a) shall not be less than 3 m. (10 ft.) above the level of the footway;

(b) shall not extend outwards from the building so as to be nearer the vertical plans of the kerb line of the footway than 0.6 m. (2 ft.);

(c) shall be impervious to moisture on the upper surface and drained in a manner which shall prevent the discharge of water therefrom on the footway.

(2) No canopy shall be used in conjunction with or as a means of access to any room or apartment.

(3) No person shall place or permit or cause to be placed any article or load upon any canopy.

(4) Where it is considered desirable that canopies should be erected in front of new buildings, the local authority may require the owner to provide in the design of such buildings for canopies and such structures shall conform to the conditions or design and materials as the structural engineer may prescribe.

(5) On being so required, the owner shall at his own cost, when he erects the new building construct such canopy and execute the requisite canopy agreement.

17. No building shall be erected on any site which has been made up or filled up by offensive or insanitary materials on which has been used for the deposit of the refuse, excrementious materials or carcasses of dead animals or other filthy or offensive matter until such site has dealt with to the satisfaction of the Medical Officer of Health, Chief Materials Engineer, Environment Officer and the Director.

Offensive
sites.

18. (1) A domestic building shall be so sited as to leave an open space immediately in front thereof, which space shall extend throughout the whole width of the front of the building to a distance of not less than 6 m. (20 ft.) measured at right angles therefrom:

Space
in front
of buildings.

Provided that, if the building fronts on a street of lesser width, the width of such open space may be not less the width of the street, together with one half of the difference between that width and 6 m. (20 ft.).

(2) Any part of an open space left as aforesaid which lies within the plot shall be free from erection above the level of the ground, except a fence or wall not exceeding 1.4 m. (4.6 ft.) in height or a portico, porch, step or other like projection from the building or a gate.

Minimum measurement of courtyard.	19. Where any building contains more than one dwelling and is designed to have an internal courtyard or open space, there shall be provided within such courtyard or open space an area free from obstruction of not less than 32.5 sq. m. (350 sq. ft.) and having no dimension less than 4.5 m. (15 ft.).
Secondary means of access.	20. Unless the council otherwise agrees, a building shall be provided with a secondary means of access.
External passage.	21. Any passage between buildings erected on the same plot or between a building and the boundaries of the plot on which such building is situated, shall have minimum dimensions of 1.2 m. (4 ft.) in width and 2.1 m. (7 ft.) in height.
Service area.	23. A person erecting a building shall provide to the satisfaction of the local authority in consultation with the Director, a service area for the security serving that building, loading and unloading of vehicles, dustbins, and such other purposes as the Director of Physical Planning may require, and the means of the access thereto shall be of a width not less than 3 m. (10 ft.).
Permitted advertisements.	24. The owner of a building may display the following illustrated advertisements without the prior consent of the local authority— (a) in the case of shops, the name and occupation of the occupier provided that the letters are not greater than 0.3 m. (12 inches) in depth and contains not more than 6 words; (b) in the case of offices, a notice board displayed at the ground floor entrance to the premises not exceeding 0.3 sq.m. (3 sq. ft.) total for all occupiers; (c) any advertisement displayed within a building or on land or building not visible from a street; (d) notices in connection with religious events or residential plots.
Hanging sign.	25. The owner or occupier of any premises may display hanging advertisements with the consent of the local authority in consultation with the Director provided that they do not exceed 1.8 m. × 0.6 m. (6 ft. × 2 ft.) and the bottom of the sign is 2.4 m. (8 ft.) minimum height from the pavement.
Advertisements requiring permission.	26. (1) The display of advertisements not mentioned in rule 24 shall require permission from the local authority and the Director. (2) The grant of permission under paragraph (1) shall depend on— (a) the location, size and colours of the billboard; (b) traffic and pedestrian safety; (c) religious, cultural and moral character of the advertisements; (d) preservation of the natural environment; (e) scenic beauty; (f) the preservation of natural monuments and archeological sites; (g) general amenity; and (h) any other factor that the local authority and the Director may consider necessary.

27. (1) A local authority may by notice in writing, require any person who displays an advertisement under Rule 26 without permission to remove such advertisement within the time specified in the notice.

Removal of unauthorized advertisements.

28. Any person aggrieved by the decision of the local authority under the foregoing rules may appeal to the respective liaison committee.

Appeals.

PART III

APPLICATION, NOTICES APPROVAL, ETC.

29. (1) Any notice, order or other document from the Director of Physical Planning made and issued by virtue of the provisions of these Rules may be signed by an officer authorized in that behalf by the Director.

Authentication and validity of notices and orders.

(2) Any notice, order or other document from the liaison committee made and issued by virtue of the provisions of these Rules shall be signed by the chairman of the liaison committee.

(3) No notice, order or other document duly authenticated in accordance with this Rule shall be invalid by reason only of a defect in the form thereof.

30. For the purposes of these Rules any of the following operations shall be deemed to be the erection of a building or the carrying out of development—

What constitutes erection of buildings.

- (a) the erection of any new building;
- (b) the erection of any addition to an existing building;
- (c) the re-erection or alteration of any part of an existing building;
- (d) the re-erection of any building or part of a building where an outer wall of that building or that part of a building has been destroyed, pulled down, burned down or damaged either wholly or partially;
- (e) the roofing-over of any space between walls or buildings;
- (f) the changing of the use, or purpose for which a building, part of a building or appurtenances thereto are used, or increasing or reducing the number of dwellings or separate tenancies to execute any alterations or works in connection with the purposed change;
- (g) the carrying out of any drainage works and water service works;
- (h) the changing of use of the land including quarrying, dumping and drying operations.

31. Buildings constructed exclusively for the purposes listed below shall be exempt from the operation of these Rules except those that require notice to be given of the intention to erect the building, submission of site and block plans, written particulars and notice of any material change of user—

Exemptions and partial exemptions.

- (a) a poultry house, aviary, dog kennel, greenhouse or orchard house;
- (b) a fuel store (other than for the storage of a petroleum fuels, kerosene or alcohol);
- (c) a boat house (not intended for the accomodation of a motorboat).

(d) a garden toolshed, potting shed or cycle shed;

(e) a moveable dwelling or tent:

Provided that such building shall not remain erected or be used for a period exceeding twenty-eight (28) days and that it is not more than 700 cubic feet and is wholly detached from other buildings.

Application
for approval
of building.

32. (1) Any person who proposes to erect a building or to carry out any development to which these Rules relate shall lodge with the local authority an application for approval together with the plans relative thereto, indicating—

(a) the purpose or purposes for which the building or erection will be used;

(b) the number of dwellings or separate tenancies or occupancies to be provided in the building;

(c) the mode of drainage and means of disposal of waste water, soil, water, roof water or other liquid;

(d) the water supply;

(e) the number of persons to be accommodated in each part thereof, the means and capacity thereof for ventilation and the provisions made for the safety of the public;

(2) The plans submitted under this rule shall be duly signed by the applicant and shall illustrate the proposal in a clear and intelligible manner, to wit: Plans of all floors, ground and street levels and elevations sections and drainage shall be to a scale of not less than 1 cm. 1 m. (1": 8ft.) block plans indicating the site of the building and adjoining buildings to a scale of not less than 1":40 and details where required by the local authority to a scale of 0.5 cm: 4 ft. (0.5": 1 ft.).

Planning
grounds for
refusal of
building
plans.

33. The Director of Physical Planning shall refuse to recommend any new building or proposed development, or alteration or addition to any existing building if—

(a) the proposal is not in conformity with approved development plans;

(b) such plan discloses a contravention of these Rules or the provisions of any written law;

(c) the plans are not correctly drawn or omit to show information required under these Rules;

(d) on such being required, a separate application accompanied by sets of plans has not been lodged in respect of buildings on separate plots or sub-plots;

(e) the land or the proposed building or structure is to be used for any purpose or purposes which might be calculated to depreciate the value of the neighbouring property or interfere with the convenience or comfort of neighbouring occupants;

(f) the proposed building or land use is unsuitable, injurious to amenities or detrimental in respect of appearance or dignity or fails to comply with physical planning

requirements in regard to siting, design, height, elevation, size shape, structure or appearance;

- (g) the building is likely to become objectionable on any environmental grounds;
- (h) roads of access, parking bays, vehicular and pedestrian circulation spaces or other services to the plot or premises are inadequate;
- (i) the building is not sited in a satisfactory position;
- (j) the site on which it is proposed to build is unfit or unsuitable for the erection thereon of the building proposed to be erected;
- (k) the system of drainage including soil, waste and surface water of the plot or sub-plot upon which the building is to or stands, is not satisfactory;
- (m) provision has not been made for adequate natural light and ventilation; or
- (n) any other physical planning issue.

34. (1) The decision of the local authority in respect of an application submitted in accordance with Rule 33 shall be communicated to the applicant within a period of ninety (90) days.

Approval of building plans.

(2) Copies of plans approved under this Rule shall be deposited with the Director.

35. No person shall erect or authorize to be erected any building except in accordance with the plans submitted to and approved by the local authority in consultation with the Director of Physical Planning.

Compliance with approved building plans.

36. (1) Where a person commences work upon any alterations or additions to any existing building, or carries out developments before receiving the approval of the local authority in consultation with the Director of Physical Planning, the local authority shall serve that the person with a notice requiring him to cease such work or development.

Disregard of approval of building plans.

(2) A person who fails to comply with the requirements of a notice served under sub-rule (1), commits an offence and is liable to the penalty provided for in section 38 (1) of the Act.

37. A person who obtains the approval of the local authority in consultations with the Director of Physical Planning for the erection of any proposed building, shall erect such building in accordance with the approved plans, sections, elevations, descriptions and particulars relating to such building.

Disregard of approved building plans.

(2) A person who erects a building contrary to sub-rule (1) commits an offence and is liable to a penalty as provided for in section 38 (1).

(3) The Director of Physical Planning may advise the local authority to serve upon the owner of a building a notice requiring the owner—

- (a) to erect such building strictly in accordance with the approved plans and particulars; or
- (b) to execute such work or alterations upon or additions to such building or any part thereof as may be prescribed in such notice in order to render such building safe and sanitary or otherwise to conform to the requirements of these Rules; or

(c) to remove or demolish such building or any part thereof.

Owners
responsibility.

38. The approval of any drawings, particulars or calculations of any building or structure or work shall not in any way impose or imply acceptance of any responsibility on the part of the local authority for the stability of any such building structure or work.

Offences and
penalties-
general.

39. A person who contravenes the provisions of any of these Rules, commits an offence and is liable to the penalty provided for in sections 38 and 39 of the Physical Planning Act.

Made on the 13th July, 1998.

N. K. NGALA,
Minister for Lands and Settlement.
