

THE BUILDINGS (REGULATION OF CONSTRUCTION AND REPAIR) ACT (1946)

[Repealed by the Law for the Repeal of Laws (19 February 1992)]

Burma Act II, 1946

9 January 1946

Whereas it is expedient to make provision for regulating the erection, re-erection and repair of buildings;

It is hereby enacted as follows:

1. (1) This Act may be called the Buildings (Regulation of Construction and Repair) Act, 1946.

(2) It shall be deemed to have come into force on the 9th January 1946, and shall apply only to such towns, villages or other local areas as the President of the Union may from time to time, by notification, prescribe.

2. In this Act:

(i) “building” includes a house, hut shed or other roofed structure for whatsoever purpose and of whatsoever material constructed and every part thereof, but shall not include a tent or other portable and merely temporary shelter;

(ii) “competent authority” means the person or persons appointed under section 4 of the Local Authorities (Suspension) Act [1946] and when no such appointment has been made, the Deputy Commissioner for the area or any other authority appointed in this behalf by the President of the Union.

3. The President of the Union, or with the approval of the President of the Union, the competent authority, may frame a scheme with respect to any area, whether there are buildings thereon or not, with the general object of controlling the development of the land comprised in the area to which the scheme applies, or securing proper sanitary conditions, amenity and convenience, and of preserving existing buildings or other objects of architecture, historic or other artistic interest and places of natural interest or beauty and generally of protecting existing amenities.

4. Notwithstanding anything contained in any law for the time being in force in the area to which this Act applies, no person shall, except under and in conformity with the terms and conditions of any permission granted by the competent authority in this behalf:

(a) erect or re-erect any building whether temporary or permanent; and

(b) carry out repairs to any building:

Provided that nothing in this section shall apply to repairs to any building in existence at the commencement of this Act, which are necessary to make the building wind and water-tight.

5. (1) In granting any permission under section 4 for the erection, re-erection or repair of any building the competent authority may impose such conditions as it may consider necessary in the interest of public health convenience and safety and shall have regard to, and be guided by the principles specified in section 3 in respect of the framing of a scheme.

6. (1) The President of the Union may make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for and regulate the following matters, namely:

(a) the framing of a scheme by the competent authority;

(b) rendering compulsory a notice to the competent authority of intention to erect, re-erect or repair any building;

(c) the information and plans, specifications and particulars to be submitted with applications for the approval of sites and for permission to erect or re-erect any buildings;

(d) the height of the buildings, whether absolute or relative to the width of the streets;

(e) the level and width of the foundation, the level of the lowest floor or plinth and the stability of the structure;

(f) the height above the ground and the number of storeys of which any building may consist;

(g) the free passage or way in front of buildings;

(h) the ventilation and drainage of buildings;

(j) the materials to be used and method of construction;

(j) specifying the parts or portions of building sites on which no building shall be erected;

(k) the number, position, materials and methods of construction of fire places, smoke-escapes, chimneys, staircases, water-closets, closet accommodation, latrines, urinals, privies, sewers, sewerage connections, ventilating pipes, cess-pools, traps, sinks, sullage trays, water connections, wells and drains in buildings; and

(l) the conditions which may be imposed generally by the competent authority in granting permission for the erection, re-erection or repair of any building

(7) (1) Where any building is begun, erected, re-erected or repaired in contravention of any of the provisions of this Act or of any rules made thereunder or of any of the terms and conditions of a permit issued under section 4, the competent authority may:

(a) order the building to be demolished by or at the expense of the person who so began, erected, re-erected or repaired it, or

(b) order such person to alter or remove the building in such a manner as to the competent authority may seem fit to give effect to any scheme subsequently framed for the area.

(2) Nothing in this section shall entitle the person required to demolish, alter or remove and building to compensation for such demolition, alteration or removal.

8. If any building, wall, structure or anything fixed thereto is in a ruinous state or in any way dangerous, the competent authority may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made therein as it considers necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as may be necessary to avert such danger.

9. (1) Whoever contravenes any of the provisions contained in this Act or in any rules made thereunder or any of the conditions of a permit issued to him under section 4 or refuses or neglects to demolish, alter or remove any building when required to do so, shall be liable, on conviction, to a fine which may extend to five hundred rupees, and, in the case of a continuing contravention or of a continuing refusal or neglect to demolish, alter or remove any building, to a further fine of ten rupees for each day on which such contravention or refusal or neglect continues.

(2) The fines realized from persons convicted of any offence under this Act or the rules framed thereunder shall be payable to the local authority concerned.

10. Any permission granted under this Act for the erection, re-erection or repair of any building does not constitute any admission by the competent authority that the person to whom the permit is granted has any title to or any rights to the possession of the land whereon the building is constructed or the building, as the case may be; nor shall such permission be evidence of any such title or right.