

ANNO NONO

VICTORIÆ REGINÆ.

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CAP. V.

An Act to amend an Act for regulating the Construction and Use of Buildings in the Metropolis and its Neighbourhood. [24th *March* 1846.]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, whereby, amongst other Provisions, One of Her Majesty's Principal Secretaries of State was empowered to appoint Two Persons, being of the Profession of an Architect or Surveyor, to be Official Referees of Metropolitan Buildings for the Purposes of the said Act, and from Time to Time, as he should think proper, to remove such Official Referees, and in their Place to appoint other Persons so qualified; and the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were authorized to appoint a Registrar of Metropolitan Buildings, who should hold his Office during the Pleasure of the said Commissioners; and it was enacted, that the Determination of such Two Official Referees, or of One of them with the Assent of the said Registrar, as to all or any Matters referred to them, should be binding on all Parties to such Reference, and that any Matter required or permitted to be done by the Official Referees might be done by either of them with the Assent of the said Registrar, unless express Provision to the contrary should be made, and if done by any one of them with such Assent should be as valid and effectual as if done by both of them; and by the said Act the said Official Referees were prohibited from acting as Surveyors, and every Person being or becoming Commissioner, Receiver, Steward, or Agent of any Owner of Houses within the Limits of the Act was disqualified from holding the Office either of Official Referee or of Registrar under the said Act: And whereas the Duties and Qualifications for Office of the Registrar of Metropolitan Buildings are of a Character wholly distinct from the Duties and Qualifications for Office of the Official Referees, and it would conduce to the more satisfactory Execution of the recited Act if there were Three Official Referees (all of them being

7 & 8 Vict. c. 84.

being of the Profession of a Surveyor or Architect), and the Acts and Awards of such Three Official Referees, or of any Two of them, were made as valid and binding as if the same had been done or made under the Authority of the recited Act by the Two Official Referees thereby authorized to be appointed, or by One of them with the Assent of the said Registrar; and for the Purpose of obtaining Persons duly qualified to discharge the Functions of Official Referees without Increase of Charge to the Public, or the Localities comprised within the Limits of the recited Act, it is expedient to relax in manner herein-after mentioned the Prohibitions and Disqualifications appertaining to the Office of Official Referees under the said recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, and he is hereby empowered, at any Time after the passing of this Act, and from Time to Time, to appoint a Person, being of the Profession of an Architect or Surveyor, to be an Official Referee of Metropolitan Buildings, in addition to the Official Referees authorized to be appointed by the recited Act, and from Time to Time, as he shall think proper, to remove such additional Official Referee, and to appoint any other Person, qualified as aforesaid, in his Place; and every Official Referee to be appointed under the Authority of this Act shall make the same Declaration of official Fidelity, and have the same Duties, Powers, Authority, and Jurisdiction, and be subject to the same Rules and Regulations (save as herein-after varied or relaxed), as if the said recited Act had authorized the Appointment of Three Official Referees, and the Official Referee appointed under the Authority of this Act had been appointed Official Referee under the Authority of the recited Act.

Appointment of an additional Referee.

II. And be it enacted, That all Acts, Matters, and Things by the said recited Act required, directed, or permitted to be done by the Official Referees of Metropolitan Buildings, or by One of such Official Referees with the Assent of the Registrar, may be done by the Official Referees appointed and to be appointed under the Authority of the recited Act and of this Act, or by any Two of them; and that the Acts, Certificates, Awards, Orders, and Determinations of any Two of the said Official Referees shall be as valid, binding, and effectual as if the same had been done, signed, made, or determined by all the said Official Referees; and the Assent of the said Registrar of Metropolitan Buildings shall not be required to give Effect to the same; and the Assent of the said Registrar shall not render valid any Act, Certificate, Award, Order, or Determination done, signed, or made by One only of the said Official Referees which would not be valid without such Assent.

Two Official Referees may act.

III. And be it enacted, That, notwithstanding any thing in the said recited Act to the contrary contained, it shall be lawful for One of Her Majesty's Principal Secretaries of State, if and so long only as he shall think proper, by any Writing under his Hand, to permit and authorize any One or more of the Persons who for the Time being may hold the Office of Official Referee to act as Surveyor, either alone or with any Partner, or by an Agent; and no Person shall be ineligible or disqualified from holding the Office of Official Referee by reason of his continuing to act as a Surveyor with such Permission

Official Referees may act as Surveyors with Permission of Secretary of State, and Disqualifications may be relaxed.

Permission as aforesaid, or by reason of his being or becoming Commissioner, Receiver, Steward, or Agent for or on behalf of any Owner of Houses or Land within the Limits of the said recited Act, provided the Fact of such Person being or becoming such Commissioner, Receiver, Steward, or Agent be notified to One of Her Majesty's Principal Secretaries of State, and licensed by him in Writing, before such Person be appointed or continue to act as Official Referee; but it shall not be lawful for any Person holding the said Office to act as Official Referee in the Case of any Building or Matter in which he shall be employed as Architect or Surveyor, or where he shall be the Commissioner, Receiver, Steward, or Agent of any Person interested in such Building or Matter; and if it shall happen that more than One of the said Official Referees shall be employed as Architect or Surveyor as to the same Building or Matter, or shall be the Commissioner, Receiver, Steward, or Agent of any Person interested therein, or if any Disagreement or Difference of Opinion shall arise between any Two Official Referees who shall act as to such Building or Matter, not being employed as Architect or Surveyor, or as Commissioner, Receiver, Steward, or Agent of any Person interested therein, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time, upon the Report of the Official Referees or any one of them, or upon the Application of any Person interested in the Matter in dispute, to authorize One or more competent Persons, being of the Profession of an Architect or Surveyor, to be Special Referees in respect of such particular Building or Matter, either in conjunction with the acting Official Referee or Referees, or alone, as the Case may require; and every Special Referee authorized by the said Commissioners shall, as to the particular Building or Matter for which he is authorized, have the same Power, Authority, and Duties as if he had been appointed an Official Referee under the Authority and for the general Purposes of the said recited Act; and it shall be lawful for the said Commissioners to assign to every such Special Referee such Part of the Remuneration of the Official Referee or Referees who shall be disqualified as aforesaid from acting as to such particular Building or Matter, or otherwise to remunerate him as the said Commissioners shall think fit.

Special Referees to be appointed in certain Cases.

IV. And be it enacted, That if any Official Referee shall act as Surveyor, either alone or with any Partner, or by an Agent, or as Commissioner, Receiver, Steward, or Agent for or on behalf of any Owner of Houses or Land within the Limits of the said recited Act, without the Licence and Consent in Writing of One of Her Majesty's Principal Secretaries of State, or shall continue to act as Surveyor, either alone or with any Partner, or by an Agent, or to act as such Commissioner, Receiver, Steward, or Agent as aforesaid, after such Licence and Consent shall have been withdrawn or shall have expired, then he shall cease to be qualified to hold the Office of Official Referee, and thereupon such Office shall be vacant, without prejudice nevertheless to any Acts done by him in his Capacity of Official Referee so far as other Persons are affected thereby.

Offices vacant.

V. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to grant such Salaries for the Remuneration of the said Official Referees respectively as Her Majesty shall, as to each of them, be pleased to appoint, not exceeding in the whole for the Three Referees the Sum of Two thousand Pounds *per Annum*.

Salaries of Official Referees.

VI. And

Contributions to be paid to the Consolidated Fund, and Salaries paid thereout.

VI. And whereas, for the Purpose of providing for the Payment of a Portion of the Salaries of the Official Referees and Registrar under the said recited Act, it was by the said Act enacted, that the Lord Mayor and Aldermen of the City of *London* should direct the Chamberlain of the said City, and the Justices of the Peace for the several Counties of *Middlesex*, *Surrey*, and *Kent* should direct the Treasurer of such respective Counties, to pay, by Two half-yearly Payments in the Months of *June* and *December* in every Year, to or into the Hands of the Cashier of the Commissioners of Works and Buildings, on account of the said Official Referees and of the said Registrar, the several Sums of Money therein mentioned as and by way of Contribution to such Salaries, and it was enacted, that the Balance of such Salaries should be payable and paid out of the Consolidated Fund of the United Kingdom: And whereas such Salaries are by the said Act directed to be paid quarterly, and the Contributions towards Payment of the same being payable half-yearly it has not been practicable to pay such Salaries as directed by the said Act, and it has been found inconvenient to pay the same in part out of Monies contributed by the said City and Counties respectively, and in part out of the Consolidated Fund of the United Kingdom; be it therefore enacted, That the several Sums of Money which under the said recited Act are payable by the Chamberlain of the City of *London*, and the Treasurer of the Counties of *Middlesex*, *Surrey*, and *Kent* respectively, to the Cashier of the Commissioners of Works and Buildings on account of the said Official Referees and of the said Registrar, and all Arrears and future Payments thereof, shall, instead of being paid to such Cashier on such Account as aforesaid, be payable and paid into the Receipt of Her Majesty's Exchequer, and carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and the Salaries of the Official Referees and Registrar of Metropolitan Buildings for the Time being, and all Arrears thereof, shall be paid wholly out of the said Consolidated Fund by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being; and such Salaries shall accrue from Day to Day, and be paid quarterly on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year; and every Official Referee and Registrar shall be entitled to a proportionate Part of his Salary from the Day of his Appointment to the next succeeding Quarter Day of Payment, and from the last Quarter Day of Payment preceding his Death, Discharge from or ceasing to hold the Office of Official Referee or Registrar, (as the Case may be,) to the Day of his Death, Discharge, or ceasing to hold such Office.

Public Act.

VII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Alteration of Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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