

LONDON BOROUGH OF TOWER HAMLETS
LONDON BUILDING ACTS 1930-1939
LONDON LOCAL AUTHORITIES ACT 1994 - SECTION 8

LONDON BOROUGH OF TOWER HAMLETS
(DANGEROUS STRUCTURE FEES AND
EXPENSES) REGULATIONS 2013

Regulations made by the Council of the London Borough of Tower Hamlets under Section 8 of the London Local Authorities Act 1994 to substitute new scales of fees in respect of dangerous structures for those contained in the London Borough of Tower Hamlets London Building (Dangerous Structure Fees & Expenses) By-laws 1995

Definitions

1. In these regulations, unless otherwise stated:-

"Council" means the Council of the London Borough of Tower Hamlets;

"Section" means section of the London Building Acts (Amendment) Act 1939 unless otherwise stated;

"Owner" is defined in Section 5 of the London Building Act 1930; and

"Dangerous Structure" means Dangerous or Neglected structure as defined in Part VII of the London Building Acts (Amendment) Act 1939.

General

2. a) The fee payable for surveying and certifying a structure reported as dangerous, the service of a Notice if required, further monitoring inspections and other services by officers of the Council up to the time of (but not including) obtaining a summons, shall be:-

(i) £200 where the survey to determine whether the structure was dangerous commenced after 8.00 am and before 6.00 pm between Monday to Friday; or

(ii) £350 where the survey to determine whether the structure was dangerous commenced at any other time or on a public holiday.

b) The fee payable for obtaining a summons or order, together with court attendance, and any inspection of the structure prior to the hearing, and other services by an officer of the Council shall be a further fee of £350.

c) In addition to any fees that may be payable under 2(a) and 2(b) above the fee payable for supervision and/or checking and certifying accounts and other services by officers of the Council in connection with the Council undertaking work to remove an immediate danger under Section 61(4) and/or shore up, secure or hoard in a structure in accordance with Section 62(2) shall be 5% of the cost of the work, but subject to a minimum fee of £200.

d) In addition to any fees that may be payable under 2(a), 2(b) or 2(c), the fee payable where the Council undertake work to take down, repair or otherwise secure a dangerous structure under Section 64(2) following failure of the owner or occupier to comply with a Court order under Section 64(1), for obtaining tenders (if necessary), supervision and/or checking and certifying accounts and other services by officers of the Council shall be 5% of the cost of the work, but subject to a minimum fee of £350.

Apportionment

3. Where any expenses are recoverable by the Council in respect of a dangerous structure in different ownerships, the Council may determine the amount payable by the respective owners. This does not prejudice the right of an owner of a dangerous structure in different ownerships to apply to the court to determine the apportionment in accordance with Section 7(1) of the London County Council (General Powers) Act 1955.

Abatement

4. The Council may remit or abate the amount of any fee in respect of a dangerous structure payable to them under these regulations as they think fit.

Repeals

5. The London Borough of Tower Hamlets London Building (Dangerous Structures Fees & Expenses) By-laws 1995 are repealed as from the coming into operation of these regulations.

NOTES:

1. The fees authorised by these regulations (including any other expenses incurred by the Council in dealing with a dangerous structure) are payable by the owner of the dangerous structure under Section 66.
2. The fees payable under regulation 2 do not include any financial oncosts or legal costs. Nor do they include any costs incurred by the Council under any other legislation such as the Highways Act.
3. **These Regulations come into effect on 6th January 2014**