

CHAPTER 244

THE PRESERVATION OF AMENITIES ACT.

Arrangement of Sections.

Section

1. Interpretation.
2. Power of local authority to remedy unsightly premises.

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THE PRESERVATION OF AMENITIES ACT.

Commencement: 23 November, 1950.

An Act to provide for the preservation of the amenities of municipalities and towns.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “local authority” means a municipal council or a town council established under the Local Governments Act;
- (b) “occupier” includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and in the case of premises subdivided and let to lodgers or various tenants, includes also the person receiving the rent payable by the lodgers or tenants whether on his or her own account or as agent for any person entitled to or interested in the rent;
- (c) “owner” as regards immovable property means the person (other than the Government) owning the property, and includes any lessee or holder of a temporary occupation licence, and any person (other than the Government) receiving the rents or profits of any lands or premises from any tenant or occupier of the land or premises or who would receive the rent or profits if the land or premises were let whether on his or her own account or as agent for any person (other than the Government) entitled to or interested in the land or premises;
- (d) “premises” includes any land, building or structure of any kind or any part of the land, building or structure.

2. Power of local authority to remedy unsightly premises.

(1) A local authority may serve a notice on the owner or occupier of any premises requiring him or her at his or her own expense—

- (a) to paint, distemper, whitewash or colourwash the outside walls or roof of any building which is part of the premises and which in its opinion are unsightly and in need of painting, distempering,

- whitewashing or colourwashing;
- (b) to remove any temporary structure which in its opinion is a disfigurement to the neighbourhood;
 - (c) to tidy the premises and its curtilage when in its opinion they are in such an untidy condition as to be offensive to the eye; or
 - (d) to remove derelict motor or other vehicles, or other unsightly debris whether similar to the foregoing or not, from any premises.

(2) If the person on whom a notice has been served under subsection (1) fails within a reasonable time to carry out the requirements of the notice, the local authority may cause a complaint to be made before a magistrate's court over which presides a magistrate grade I or grade II, and the court shall thereupon issue a summons requiring the person on whom the notice was served to appear before it.

(3) If the court is satisfied that any or all of the requirements of the notice are reasonable and that it is reasonable for the person on whom the notice was served to carry out the requirements, the court shall make an order on that person to carry out the requirements of the notice or such of them as the court considers reasonable within a specified time.

(4) Any person who fails to obey an order made under subsection (3) is, unless he or she satisfies the court that he or she has used all diligence to carry out the order, liable on being brought before the court to a fine not exceeding fifty shillings for every day during which the default continues.

History: Cap. 31.

Cross Reference

Local Governments Act, Cap. 243.