

THE KINGSTON AND ST. ANDREW BUILDING ACT

REGULATIONS
(under section 25)THE KINGSTON AND ST. ANDREW BUILDING (TRIBUNAL OF APPEAL)
REGULATIONS, 1932

(Made by the Corporation on the 14th day of March, 1932 and approved by the Governor in Privy Council on the 28th day of June, 1932) G.N. 489/32

1. These Regulations may be cited as the Kingston and St. Andrew Building (Tribunal of Appeal) Regulations, 1932.

2. Every person whose plans or drawings the Building Authority may have refused to approve may appeal to the Tribunal of Appeal against the decision of the Building Authority within fourteen days after the communication to such person of the said decision by leaving with the Building Authority a notice (in triplicate) of his intention to appeal containing the grounds on which he appeals and an address for service and shall at the same time pay to the Building Authority the sum of \$4.20 as a fee on such appeal.

3. The Building Authority shall within two days after the receipt of the notice of appeal and fee forward to the Tribunal of Appeal—

- (i) the notice of intention to erect, re-erect or extend any building and the plans and drawings and any amendments thereof relating to the proposed building which may have been lodged with or supplied to the Building Authority;
- (ii) a statement of the names and addresses of the persons, if any, called and examined as witnesses before the Building Authority;
- (iii) the decision if any, of the surveyor;
- (iv) the decision of the Building Authority; and
- (v) the notice and grounds of appeal.

The foregoing documents together with any notice and grounds of objection shall be deemed the record on the appeal.

4. If any person (hereinafter referred to as "the objector") shall have been heard by the Building Authority in opposition to the appellant the Building Authority shall forward a copy of the notice and grounds of appeal to such person and such person may within seven days after the receipt of such notice leave with the Building Authority notice (in triplicate) of his intention to oppose the appeal containing the grounds of opposition and an address for service and pay to the Building Authority the sum of \$2.00 as a fee on lodging such notice.

5. Within two days after the receipt of the notice and fee mentioned in regulation 4 the Building Authority shall forward such notice to the Tribunal of Appeal.

6. The Chief Technical Director may within seven days after the receipt by him of the notice and grounds of appeal by writing under his hand appoint some person to hear and determine the appeal and if any such appointment shall be made the person so appointed shall thereafter be deemed the Tribunal of Appeal.

7. The Tribunal of Appeal shall within fourteen days after the receipt by the Chief Technical Director of the notice and grounds of appeal appoint a time (not being more than fourteen or less than seven days thereafter) and place for the hearing of the appeal and shall give notice in writing to the Building Authority and to the appellant and to the objector (if any) of the time and place so appointed.

8. The Tribunal of Appeal shall at the time and place appointed proceed to hear and determine the appeal with power however to adjourn or postpone the hearing to any other time or place, but no appeal shall be heard unless the notice and grounds of appeal and the fee thereon shall have been lodged and paid within the prescribed time.

9. The appellant shall be entitled to begin and if any fact is in dispute may call and examine witnesses who may be cross-examined by the Building Authority and the objector and re-examined by the appellant; then the objector, if any, shall be entitled to be heard and to call and examine witnesses who shall be liable to be cross-examined by the Building Authority and the appellant and re-examined by the objector and then the Building Authority shall be entitled to be heard provided that no party shall be entitled to call or examine any person as a witness who was not called and examined before the Building Authority.

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10. The appellant and objector may appear at the hearing of the appeal in person or by counsel or solicitor and the Building Authority may appear by any member or officer or by counsel or solicitor.

11. Neither the appellant nor the objector may raise or rely upon any ground not contained in the notice lodged by him.

12. Within seven days after the conclusion of the hearing the Tribunal of Appeal shall forward to the Building Authority the record of the appeal and the notes of evidence, if any taken by him and a written statement of his decision and the Building Authority shall forthwith forward to the appellant and the objector (if any) copies of such statement of decision.

13. The decision of the Tribunal of Appeal shall be enforced in the same manner in all respects as a decision of the Building Authority.