Subsidiary Legislation made under s.337.

Scaffolding Works (Permits and Fees) Rules 2011

LN.2011/080

Commencement **9.6.2011**

Amending enactments	Relevant current provisions	Commencement date
LN. 2022/270	r. 11(1), (3)	8.9.2022
2023/240	r. 11(3)	1.8.2023
2024/148	r. 11(3), Schs. 1-2	1.8.2024
2025/197	r. 11(3)	1.8.2025
2026/263	r. 11(1), (3)	1.8.2026

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ARRANGEMENT OF RULES

Rule

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SCHEDULE 1

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Application to erect

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SCHEDULE 2
Essential services

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In exercise of its powers under section 337 of the Public Health Act, and all other enabling powers, the Government has made the following Rules–

Title.

1. These Rules may be cited as the Scaffolding Works (Permits and Fees) Rules 2011.

Application.

2. These Rules apply to the following operations where undertaken by way of trade or business or for the purpose of any industrial or commercial undertaking by a private entity, or by or on behalf of the Crown or any municipal or other public authority, namely, the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning) and the demolition of a building.

Interpretation.

3. In these Rules, unless the context otherwise requires–

"Authorised Officer" means–

(a) Building Control Officer;

(b) Assistant Building Control Officer;

"essential services personnel" means any officer in representation of the Crown, or any other company or agency acting on behalf of the Crown in right of the Government of Gibraltar or providing essential services, listed in Schedule 2;

"temporary structure/scaffold" or "structure" means any area on or from which persons perform work in connection with an operation to which these Rules apply, and which enables persons to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or step-ladder (other than an independent ladder or step-ladder which does not form part of such a structure) together with any guard-rail, toe-board, netting or other safeguards and all fixings, but does not include a structure used to support machinery or plant;

"working platform" includes a working stage.

Permission to erect or substantially add to a temporary structure.

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4.(1) Where any structure to which these Rules apply is in or abuts on any public place or public highway, it shall not be erected or substantially added to unless–

(a) an application having been made in accordance with sub-rule (2), permission to erect or add to a structure, as the case may be, has been granted;

(b) any hoarding which in the view of the Building Control Officer, is necessary before erecting or adding to the structure, has been erected in accordance with the Building Works (Hoardings) Rules, 1994;

(c) the Building Control Officer is satisfied that the persons required to be notified under rule 12 are content with the proposed structure.

(2) An application required in accordance with sub-rule (1), to erect or substantially add to a structure, shall be made to the Authorising Officer no later than 7 working days before the date on which it is intended the structure shall be erected or added to:

Provided that in the case of circumstances, which, in the opinion of the Building Control Officer, constitute an emergency, such application may be made on the same day as it is proposed to commence the erection or addition to the structure and in all other respects, these Rules shall apply.

(3) A structure in respect of which a permission may be granted in accordance with this rule must be–

(a) devoid of all notices, advertisements, posters, bills or other material except a copy of the notice giving permission for the erection of that structure displayed in a position which may easily be read by a member of the public standing outside the structure;

(b) lit during the times and in the manner specified in the notice giving permission for the erection of the structure.

(4) An application to erect or substantially add to a structure shall be made in the form prescribed in Form 1 of Schedule 1 to these Rules.

(5) Where an application made under sub-rule (2) is granted by the Building Control Officer and the fees specified in rule 11(1) have been paid, a Notice shall be issued in the form prescribed in Form 2 of Schedule 1 to these Rules, and such Notice shall constitute permission for the erection of or addition to the structure.

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(6) A Notice issued under sub-rule (5) shall specify the date on which the structure may be erected or the addition thereto commenced and the date by which the structure must be removed.

(7) A Notice issued under sub-rule (5), must be displayed on the structure in respect of which it has been issued, if there is a failure to comply with this Notice, the Building Control Officer may withdraw the permission in respect of that structure.

Temporary Structure/Scaffold supported by building.

5. No part of a building shall be used as support for part of a scaffold unless it is of sound material and sufficiently stable and of sufficient strength to afford safe support. Overhanging eaves and gutters shall not be used as such supports unless they have been specially designed as walkways and are of adequate strength.

Withdrawal of permission.

6. If, in the opinion of the Building Control Officer, a structure in respect of which a permission has been given under rule 4–

(a) ceases to comply with the requirements of these Rules or the Factories (Work at Heights) Regulations 2006; or

(b) in the opinion of the Building Control Officer does not comply with the relevant Health and Safety statutory provisions,

such permission may be withdrawn by the Building Control Officer in respect of that structure, on advice from the Health & Safety Inspectorate, from the time that the officer serves Notice, in writing, on the person to whom the permission was granted.

Right of access.

7.(1) An Authorised Officer or any essential services personnel may enter within an area on which a structure to which Rule 4 applies for the purpose of inspecting, repairing, constructing, cleaning or maintaining any installation for which either the Government or such person has responsibility and which is, in whole or in part, within the area on which the structure has been erected.

(2) All inspection covers of installations which are the property or responsibility of the Government or of the essential services personnel which are within the area on which the structure has been erected shall, at all times, be kept free of obstruction and accessible for the purpose of inspection thereof and carrying out any work thereon.

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(3) Where the Authorised Officer is of the opinion that the provisions of this rule are not being observed he may issue a Notice, in writing, to the person to whom permission in respect of that structure was granted under rule 4, requiring that person to comply with the provisions of this rule by the time specified in the Notice, being a time not more than 24 hours after the time at which the Notice was served on that person.

(4) In the event that a person on whom Notice has been served under sub-rule (3) fails to comply with that Notice, the Building Control Officer may withdraw the permission in respect of that structure.

Obstruction to road drainage.

8.(1) No structure to which rule 4 applies shall obstruct road drainage.

(2) Where the Authorised Officer is of the opinion that the provisions of this Rule are not being observed, he may issue a Notice, in writing, to the person to whom permission in respect of that structure was granted under Rule 4, requiring that person to comply with the provisions of this rule by the time specified in the Notice, being a time not later than 24 hours after the time at which the Notice was served on that person.

(3) In the event that a person on whom Notice has been served under sub-rule (2) fails to comply with that Notice, the Building Control Officer may withdraw the permission in respect of that structure.

Obligation to remedy damage.

9.(1) Any damage to any installation falling within rule 7 or to the public highway which occurs during the construction or demolition of a structure to which these Rules apply, or during the time that such structure is in place, shall be remedied to the satisfaction of the Authorised Officer or of the essential services personnel, as the case may be.

(2) Any damage of the kind referred to in sub-rule (1) shall be remedied within 24 hours of Notice, in writing, of that damage being served on the person to whom permission in respect of the structure, was granted under rule 4.

Application for extension of time.

10.(1) Where an application for the erection of the structure has been granted in accordance with Rule 4, the person by whom the application was made may apply, in the form prescribed in Form 3 of Schedule 1 to these rules, to defer the date by which the structure is required to have been removed.

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(2) Where an application made under sub-rule (1) is granted, the Notice issued under rule 4(5) shall be amended to show the revised date, and that revised Notice shall be displayed in accordance with rule 4(7).

(3) Where an application is made under sub-rule (1), the fee specified in rule 11(2) in respect of each day shall accompany the application by which the application seeks to defer the date by which the structure shall have been removed.

Fees.

11.(1) The fee payable under rule 4(5) and rule 10(1) shall be £1.05 per linear metre for each day of the period specified in the Notice issued under that rule, or the days by which the date for removal of the structure, is deferred:

Provided that where the structure is being undertaken in connection with a building licence granted by the Government or a project of similar duration and size and designation for this purpose by the Minister with the responsibility for Building Control, the fees payable under rule 4(5) shall be such amount as shall have been agreed by the Building Control Officer in respect of the structure and the period of time.

(2) Where any structure remains in place beyond the date or the deferred date by which the structure shall have been removed and without prejudice to any other provision of these Rules, a fee of twice the rate specified in sub-rule (1), shall be payable.

(3) A fee of £28 shall be payable in respect of each form issued under rules 4 and 10.

Persons entitled to prior notification and access.

12.(1) No application made under rule 4 shall be granted unless the person making the application shows, to the satisfaction of the Building Control Officer, that–

(a) he has notified the Authorised Officer and any essential services personnel affected by the proposed structure of–

(i) his intention to construct a structure;

(ii) the precise location of that structure; and

(iii) the method of construction of the structure;

and either–

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(b) those persons to whom notification is required have no objection to the proposed Structure; or

(c) having received objections from the persons to whom notification is required, he has amended the location or the method of construction, as the case may be, to comply with the objections.

(2) Any person entitled to receive a notification in accordance with sub rule (1) may require that the location or method of construction of the structure be amended such that it provides reasonable protection to any underground services falling in the area within the structure or on the line of the structure.

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SCHEDULE 1

Rules 4 and 10

GOVERNMENT OF GIBRALTAR
DEPARTMENT OF TOWN PLANNING AND BUILDING CONTROL
SUITE 631
EUROPORT
GIBRALTAR

FORM 1

Public Health Act

Scaffolding Works (Permits and Fees) Rules 2011

APPLICATION TO ERECT

We:-

Apply for permission to erect/alter scaffolding as per attached plan. ----------

Premises situate at:-

Signed applicant: ----------

The structure is required for a period of: ----------

Remarks ----------

Total Fee paid £

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Authorised Officer (Signature) .....

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Approved		**Scaffold Fee**	**£** .....
Not approved	.....	**Form Fee**	**£** .....
Dated	.....	**Total**	**£** .....
	.....		

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GOVERNMENT OF GIBRALTAR
DEPARTMENT OF TOWN PLANNING AND BUILDING CONTROL
SUITE 631
EUROPORT
GIBRALTAR

FORM 2

Public Health Act

Scaffolding Works (Permits and Fees) Rules 2011

NOTICE FOR AUTHORISED STRUCTURE

Permit No.

Permit holder:

Address

Location of Scaffolding:

Issue date

Date by which scaffolding shall be removed:

Commencement date:

Authorised Officer .....

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(Signature)

Department for Trade & Industry
Building Control Section

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GOVERNMENT OF GIBRALTAR
DEPARTMENT OF TOWN PLANNING AND BUILDING CONTROL
SUITE 631
EUROPORT
GIBRALTAR

FORM 3

Public Health Act

Scaffolding Works (Permits and Fees) Rules 2011

APPLICATION FOR EXTENSION OF TIME

We:-

Apply for permission for an extension permit No ----------

Premises situate at:-

Signed applicant: ----------

The structure is required for a period of: ----------

Reasons ----------

Total Fee paid **£**

Authorised Officer ----------

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(Signature) .....

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Approved		**Scaffold Fee**	**£**
Not approved		**Form Fee**	**£**
Dated		**Total**	**£**

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SCHEDULE 2

Rule 3

The "essential services" are the following, or any successor in title–

Commissioner of Police
Health & Safety Inspectorate
Technical Services Department (Highways)
Housing Works Agency
Gibraltar Electricity Authority
Gibtelecom
Sapphire Networks
AquaGib Limited
Land Property Services Limited

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