



# Building (Scotland) Act 2003

## 2003 asp 8

### BUILDING (SCOTLAND) ACT 2003

#### **PART 1**

##### BUILDING REGULATIONS

###### *Power to make building regulations*

- 1 Building regulations
- 2 Continuing requirements

###### *Relaxation of building regulations*

- 3 Relaxation of building regulations

###### *Guidance documents*

- 4 Guidance documents for purposes of building regulations
- 5 Compliance with guidance documents

###### *Building standards assessments*

- 6 Building standards assessments

#### **PART 2**

##### APPROVAL OF CONSTRUCTION WORK ETC.

###### *Verifiers and certifiers*

- 7 Verifiers and certifiers

###### *Building warrants*

- 8 Building warrants
- 9 Building warrants: grant and amendment
- 10 Building warrants: extension, alteration and conversion
- 11 Building warrants: certification of design

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003. (See end of Document for details)*

---

- 12 Building warrants: reference to Ministers
- 13 Building warrants: further provisions
- 14 Building warrants: limited life buildings
- 15 Building warrants: late applications
- 16 Applications and grants: offences

*Completion certificates*

- 17 Completion certificates
- 18 Completion certificates: acceptance and rejection
- 19 Completion certificates: certification of construction
- 20 Completion certificates: offences
- 21 Occupation or use without completion certificates

*Imposition of continuing requirements by verifiers*

- 22 Imposition of continuing requirements by verifiers
- 23 Discharge and variation of continuing requirements imposed by verifiers

*Building standards registers*

- 24 Building standards registers

**PART 3**

COMPLIANCE AND ENFORCEMENT

- 25 Building regulations compliance
- 26 Continuing requirement enforcement notices
- 27 Building warrant enforcement notices

**PART 4**

DEFECTIVE AND DANGEROUS BUILDINGS

- 28 Defective buildings
- 29 Dangerous buildings
- 30 Dangerous building notices

**PART 5**

GENERAL

*Building Standards Advisory Committee*

- 31 Building Standards Advisory Committee

*Functions of Ministers, local authorities, verifiers and certifiers*

- 32 Exercise of local authority functions
- 33 Procedure regulations
- 34 Reports and information

*Scheduled monuments, listed buildings etc.*

- 35 Scheduled monuments, listed buildings etc.

*Documents*

- 36 Forms
- 37 Service of notices etc.

*Fees and charges*

- 38 Fees and charges

*Entry, inspection and tests*

- 39 Powers of entry, inspection and testing
- 40 Work required by notice: right of entry
- 41 Tests of materials

*Evacuation of buildings*

- 42 Evacuation of buildings
- 43 Unlawful occupation of evacuated buildings

*Execution of work*

- 44 Expenses
- 45 Compulsory purchase where owner cannot be found
- 46 Sale of materials from demolished buildings

*Charging orders*

- 46A Charging orders
- 46B Qualifying expenses
- 46C Repayable amount
- 46D Charging order provision and early repayment
- 46E Registration
- 46F Liability of new owner
- 46G Continuing liability of former owner
- 46H “Register” and “appropriate land register”

*Appeals*

- 47 Appeals

*Offences and liability*

- 48 Penalties for offences
- 49 Offences by bodies corporate etc.
- 50 Criminal liability of trustees etc.
- 51 Civil liability

*Inquiries*

- 52 Inquiries

*Crown application*

- 53 Crown application

*Changes to legislation: There are currently no known outstanding effects  
for the Building (Scotland) Act 2003. (See end of Document for details)*

---

### *Orders and regulations*

54 Orders and regulations

### *Interpretation*

55 Meaning of “building”

56 Interpretation

## **PART 6**

### SUPPLEMENTARY

57 Ancillary provision

58 Modification of enactments

59 Commencement and short title

---

#### SCHEDULE 1 — Building regulations

- 1 This schedule is without prejudice to the generality of section...
- 2 Building regulations may be framed to any extent by reference...
- 3 Building regulations may make special provision for buildings intended to...
- 4 Building regulations may exempt such description of—
- 5 (1) Building regulations may, for any of the purposes specified...

#### SCHEDULE 2 — Verifiers and certifiers

- 1 A verifier or certifier is appointed under section 7(1) for...
- 2 An appointment may be made subject to such limitations as...
- 3 Despite paragraph 1, an appointment may be varied or terminated...
- 4 A person who is a certifier by virtue of membership...
- 5 When the appointment of a verifier (the “former verifier”) terminates,...
- 6 A verifier is not entitled to exercise any functions as...
- 7 An approved certifier of design is not entitled to issue...
- 8 An approved certifier of construction is not entitled to issue...
- 9 A verifier is not entitled to exercise any function as...
- 10 Such a direction may be given to a particular verifier...
- 11 For the purposes of paragraph 9, a verifier has an...
- 12 Such regulations may specify different such interests in relation to...

#### SCHEDULE 3 — Procedure regulations: particular matters

- 1 The submission to a verifier along with any application for...
- 2 The submission to a verifier along with a completion certificate...
- 3 Consultation by verifiers.
- 4 The statement by local authorities and verifiers of reasons for...
- 5 The maintenance by local authorities and verifiers of records of—...
- 6 The duration of the validity of building warrants.
- 7 The notification to local authorities and verifiers of the dates...
- 8 The maintenance by certifiers of records of certificates issued by...

#### SCHEDULE 4 — Powers of entry, inspection and testing: further provision

- 1 (1) Entry into any premises by virtue of section 39(1)...
- 2 (1) If a sheriff or justice of the peace is...
- 3 A person entitled to exercise any power conferred by section...

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003. (See end of Document for details)*

---

- 4 A person who enters any premises in the exercise of...
- 5 A person who enters any premises in the exercise of...
- 6 A person who enters any premises in the exercise of...

#### SCHEDULE 5 — Evacuation of buildings

- 1 This schedule applies for the purpose of securing the removal...
- 2 The local authority may apply to the sheriff—
- 3 Such an application must be accompanied by a certificate signed...
- 4 On such an application, the sheriff may require—
- 5 Except in a case where removal was required under section...
- 6 On an application in a case where removal was required...
- 7 The decision of the sheriff on the application is final....
- 8 In proceedings under this schedule a certificate—
- 9 If a person removing from a building in compliance with...
- 10 But the tenant is not liable for rent in respect...
- 11 If the tenant resumes lawful occupation, the same terms and...
- 12 In paragraphs 10 and 11, “lawful” occupation means occupation which...

#### SCHEDULE 6 — Modification of enactments

- 1 The Building (Scotland) Act 1959 is repealed.
- 2 In section 21(3) (definition of “building”) of the Sewerage (Scotland)...
- 3 In the Mines and Quarries (Tips) Act 1969, in section...
- 4 The Building (Scotland) Act 1970 is repealed.
- 5 In the Chronically Sick and Disabled Persons Act 1970, in...
- 6 (1) The Fire Precautions Act 1971 is amended as follows....
- 7 (1) The Land Compensation (Scotland) Act 1973 is amended as...
- 8 In the Local Government (Scotland) Act 1973, Part I of...
- 9 In the Health and Safety at Work etc. Act 1974,...
- 10 In the Control of Pollution Act 1974, in section 61(2)...
- 11 In the Safety of Sports Grounds Act 1975, in section...
- 12 (1) In the Licensing (Scotland) Act 1976, section 23 (special...
- 13 In the Ancient Monuments and Archaeological Areas Act 1979, in...
- 14 (1) The Civic Government (Scotland) Act 1982 is amended as...
- 15 In the Roads (Scotland) Act 1984, in Schedule 9, paragraph...
- 16 In the Housing (Scotland) Act 1986, section 19 and paragraph...
- 17 In the Housing (Scotland) Act 1987, in Schedule 23, paragraph...
- 18 In the Fire Safety and Safety of Places of Sport...
- 19 In the Local Government Act 1988, in section 17(5) (which...
- 20 In the Clean Air Act 1993, in section 16(5) (which...
- 21 In the Local Government etc. (Scotland) Act 1994, in Schedule...
- 22 In the Criminal Procedure (Scotland) Act 1995, in Schedule 9(certificates...
- 23 In the Planning (Consequential Provisions) (Scotland) Act 1997, in Schedule...
- 24 In the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999,...
- 25 In section 7(3) of the Local Government in Scotland Act...

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003.