

BUILDING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT - AN OVERVIEW

Part 3: Compliance and Enforcement

Section 26: Continuing requirement enforcement notices

76. This section provides for a local authority to take enforcement action where an owner appears to be failing to comply with a continuing requirement imposed under section 2 or by a verifier under section 22. The local authority may serve a continuing requirement enforcement notice as set out in *subsection (2)*.
77. *Subsection (3)* creates an offence where the owner has not complied with the notice by the set date and in such cases allows local authorities to carry out the work specified in the notice and to recover the costs from the owner of carrying out that work. Where the local authority has carried out such work, *subsection (4)* provides that the authority must register a completion certificate in the building standards register to certify that the work has been completed in accordance with the notice in question.
78. *Subsection (5)* makes provision for a local authority to withdraw or amend a continuing requirement enforcement notice before or after it has taken effect. *Subsection (6)* provides that a local authority may issue a further such notice even if it has already withdrawn one.