

*These notes relate to the Building (Scotland) Act 2003  
(asp 8) which received Royal Assent on 26 March 2003*

# **BUILDING (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT - AN OVERVIEW**

#### **Part 5: General**

##### ***Section 40: Work required by notice: owner's right of entry***

113. *Subsections (1) and (2)* establish the right of a person required to carry out work for the purposes of complying with the notices specified in subsection (1) to enter the building or adjacent land. The person must give the occupier reasonable notice first (*subsection (3)*). This section might apply where, for example, a landlord wishes to enter a flat which he or she owns for the purposes of carrying out repairs to comply with a defective building notice.
114. *Subsection (4)* makes clear that this right of entry prevails over any term to the contrary in any lease or contract. For example, under the terms of a lease, a tenant may be able to require a long period of notice for the landlord to gain entry to a premises. The right conferred by this section would override this.