

*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 47: Appeals**

122. *Subsection (3)* gives a right of appeal to the sheriff against the decisions and notices listed in *subsection (1)*.
123. *Subsection (2)* allows procedure regulations to specify periods within which certain specified initial (i.e. pre-appeal) decisions should be made. Where such decisions are not taken within the specified period, the decision is to be treated, for the purposes of appeals only, as a refusal or rejection as appropriate. For example, if an owner applies for a warrant under section 8 and a verifier does not make a decision within the specified period on whether to grant one, then in order to allow the appeal procedure to start, the decision is to be taken as a refusal.
124. *Subsection (4)* provides that the effect of a decision or notice listed in subsection (1) is suspended until the period allowed for an appeal has elapsed or the appeal is withdrawn or finally determined.
125. *Subsection (5)* creates an exception to the general rule in subsection (4). Where a building warrant enforcement notice under section 27 requires construction work to be suspended, that requirement takes effect as soon as the notice is served and continues to have effect, unless quashed by an order of a sheriff, until the notice is complied with.
126. *Subsection (7)* provides that a sheriff's decision on an appeal under this section is final.