

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

BUILDING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT - AN OVERVIEW

Part 5: General

Section 39: Powers of entry, inspection and testing

110. This section gives the Scottish Ministers and local authorities powers to enter and inspect buildings and premises and carry out tests on materials in relation to certain functions under the Act. Ministers' powers in this regard are restricted to their function under section 3 of granting a direction dispensing with or relaxing a building regulation (*subsections (1) and (2)*). Local authorities may exercise these powers in relation to their powers in Parts 3 and 4 (*subsections (3) and (4)*).
111. *Subsection (5)* requires owners and occupiers of premises to provide the relevant authority with such assistance and information as may reasonably be required with regard to the authority's powers of entry, inspection and testing. *Subsection (6)* creates an offence of not complying with a requirement in subsection (5) and of intentionally obstructing a person exercising such powers. Level 3 on the standard scale is currently £1,000.
112. [Schedule 4](#) makes further provision on the exercise of powers under this section.