



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Completion certificates*

#### **21 Occupation or use without completion certificates**

- (1) This section applies to a building which is being, or has been, constructed or converted—
  - (a) by virtue of a building warrant or,
  - (b) in a case where such a warrant is required under section 8, without such a warrant,if the condition specified in subsection (2) is satisfied.
- (2) That condition is that no completion certificate has been accepted in respect of the construction or conversion under section 18(1).
- (3) On an application made to the verifier—
  - (a) where the construction or conversion is being, or has been, carried out otherwise than on behalf of another person, by the person carrying out, or who carried out, the construction or conversion,
  - (b) where the construction or conversion is being, or has been, carried out by a person on behalf of another person, by that other person,
  - (c) in any case, by the owner of the building in question,the verifier may grant permission for the temporary occupation or use of the building during such period as is specified in the permission and must, where it does so, send a copy of the permission to the local authority (unless the verifier is the local authority).
- (4) The period specified in a permission under subsection (3) may be extended from time to time on a further application under that subsection.
- (5) Any person who occupies or uses a building to which this section applies (other than solely for the purpose of its construction or conversion)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) knowing that no completion certificate has been accepted under section 18(1) in respect of the construction or conversion, or
  - (b) without any regard for whether a completion certificate has been so accepted,
- is guilty of an offence unless the occupation or use is authorised by a permission granted under subsection (3).
- (6) A person guilty of an offence under subsection (5) is liable—
    - (a) on summary conviction, to a fine not exceeding the statutory maximum,
    - (b) on conviction on indictment, to a fine.
  - (7) Whether or not a local authority has exercised or proposes to exercise any of its other powers under this Act the authority may, by means of an application for interdict, seek to restrain or prevent any actual or apprehended occupation or use of a building which constitutes, or would constitute, an offence under subsection (5).
  - (8) On such an application the court may grant such interdict as it thinks appropriate for the purpose of restraining or preventing the occupation or use.
  - (9) In subsection (8), “the court” means the Court of Session or the sheriff.
  - (10) In the application of this section to a building which is being or has been converted, references to occupation or use of the building are to the changed occupation or use.
  - (11) In this section, references to construction do not include alteration.