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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 404**

**The Building (Scotland) Act 2003 (Commencement  
No. 1, Transitional Provisions and Savings) Order 2004**

**Savings**

4.—(1) Notwithstanding the repeal of the 1959 Act, that Act and the regulations made under that Act shall continue to apply, on and after 1st May 2005, as they applied immediately before that date, in the cases to which paragraphs (2), (3) and (4) apply.

(2) This paragraph applies to—

- (a) an application for a warrant for work which was made before 1st May 2005; and
- (b) an application for the extension of the period of validity or for the amendment of the terms of such a warrant (whenever granted),

but the period of validity of any such warrant (including any extended period approved by a local authority) shall not exceed five years.

(3) This paragraph applies to any application, appeal, reference or other procedure which has begun but has not been determined prior to 1st May 2005.

(4) Subject to paragraph (5), this paragraph applies to the construction of any small buildings or garages of 8 to 30 square metres and to the construction of replacement windows, the contract for which was entered into prior to 1st May 2005.

(5) Paragraph (4) applies only to a case where the relevant construction is commenced on or before 1st June 2005, and is completed on or before 2nd September 2005.