

2009 No. 150 (C. 11)

BUILDING AND BUILDINGS

**The Building (Scotland) Act 2003 (Commencement No. 2 and
Transitional Provisions) Order 2009**

Made - - - -

21st April 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 54(2) and 59(1) of the Building (Scotland) Act 2003(a) and all other powers enabling them to do so.

Citation and interpretation

1.—(1) This Order may be cited as the Building (Scotland) Act 2003 (Commencement No. 2 and Transitional Provisions) Order 2009.

(2) In this Order—

“the Act” means the Building (Scotland) Act 2003;

“relevant work” means any work for the construction, demolition or conversion of a building or the provision of services, fittings or equipment in or in connection with a building(b).

Commencement of provision

2. Section 53 of the Act comes into force on 1st May 2009.

Transitional provisions

3. The Act does not bind the Crown in respect of any relevant work (including the design thereof) where—

(a) the relevant work is commenced on or before 30th April 2009 and is completed on or before 30th April 2012; or

(a) 2003 asp 8.

(b) Section 55 of the Buildings (Scotland) Act 2003 defines “building”; “conversion” and “work” are defined in section 56(1) of that Act.

- (b) the relevant work is–
- (i) carried out pursuant to a contract entered into on or before 30th April 2009;
 - (ii) commenced on or before 31st October 2009; and
 - (iii) completed on or before 30th April 2012.

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st April 2009

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings section 53 of the Building (Scotland) Act 2003 (“the Act”) which relates to Crown application into force on 1st May 2009 for all purposes.

Article 3 makes transitional arrangements for the Crown in respect of work in relation to the construction, demolition or conversion of buildings and the provision of services, fittings and equipment in buildings where:–

- (a) such work is commenced on or before 30th April 2009 and is completed on or before 30th April 2012; or
- (b) such work–
 - (i) is carried out pursuant to a contract entered into on or before 30th April 2009;
 - (ii) has commenced on or before 31st October 2009; and
 - (iii) is completed on or before 30th April 2012.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The Act received Royal Assent on 26th March 2003. Sections 54, 57 and 59 came into force on Royal Assent. The Building (Scotland) Act 2003 (Commencement No. 1, Transitional Provisions and Savings) Order 2004 (S.S.I. 2004/404) was made on 21st September 2004. That Order provided for the coming into force of all the provisions of the Act not then in force on 1st May 2005, with the exception of sections 6 and 53.

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