



Building (Scotland) Act, 1959

7 & 8 ELIZ. 2. CH. 24.

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Building (Scotland) Act, 1959

7 & 8 Eliz. 2 CH. 24

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CHAPTER 24

An Act to make as respects Scotland new provision for safety, health and other matters in respect of the construction of buildings and for safety in respect of the conduct of building operations; for these purposes to establish buildings authorities for burghs and landward areas of counties and to amend the law relating to dean of guild courts; to amend the powers of local authorities in relation to buildings which are below prescribed standards or dangerous; and for purposes connected with the matters aforesaid.

[30th April, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

BUILDINGS AUTHORITIES

1.—(1) For every burgh and the landward area of every county there shall be an authority (in this Act referred to as “the buildings authority”) who shall have in relation to that burgh or, as the case may be, the landward area of that county the jurisdiction and functions conferred on them by this Act. Constitution
of buildings
authorities.

(2) For a burgh having a dean of guild court which immediately before the commencement of this Act exercised jurisdiction in respect of the construction of buildings throughout the burgh, and for any burgh constituted after the commencement of this Act, the buildings authority shall be the dean of guild court of the burgh.

PART I
—cont.

(3) For a burgh not falling within the last foregoing subsection and for the landward area of a county the buildings authority shall consist of not less than three persons appointed by the local authority from among their own number.

(4) The jurisdiction and functions conferred by this Act on a buildings authority which is a dean of guild court shall be in lieu of any jurisdiction or functions which would be exercisable by the court apart from this Act, whether by custom or by virtue of any enactment, except so far as—

(a) conferred by the enactments specified in the First Schedule to this Act, or

(b) relating to matters of private right ;

and in relation to the area of any such buildings authority the provisions of this Act shall be in lieu of any enactment or rule of law in force immediately before the commencement of this Act making it unlawful to erect, alter, repair or otherwise deal with a building, or occupy a building in any particular way, without the sanction of the dean of guild court for that area.

(5) References in this Act to—

(a) the area of a buildings authority are references to the burgh or, as the case may be, the landward area of the county for which the buildings authority is constituted under this Act ;

(b) the buildings authority in relation to any particular building or place are references to the buildings authority whose area includes the building or place.

General provisions relating to buildings authorities.

2.—(1) The following provisions of the Local Government (Scotland) Act, 1947, that is to say, subsections (5) to (9) of section three hundred and twenty-one, subsection (5) of section three hundred and twenty-two and section three hundred and twenty-three (which relate to the proceedings of dean of guild courts), section three hundred and twenty-six (which relates to the clerks of such courts), section three hundred and twenty-seven (which relates to the holding of meetings of such courts) and section three hundred and twenty-eight (which relates to the expenses of such courts) shall have effect for the purposes of this Act in relation to a buildings authority which is a dean of guild court (being a court to which, immediately before the commencement of this Act, these provisions applied) as they have effect in relation to that court for purposes other than those of this Act :

Provided that the said section three hundred and twenty-six as applied by this subsection shall have effect with the omission, in subsection (1) thereof, of the words “and the burgh prosecutor shall act as prosecutor in the dean of guild court”.

(2) In relation to a buildings authority which is a dean of guild court to which immediately before the commencement of this Act the said provisions of the Local Government (Scotland)

Act, 1947, did not apply, the foregoing subsection shall have effect with the substitution for references to the said provisions of references to the corresponding provisions, if any, of any local Act which immediately before the commencement of this Act applied to that court.

(3) The provisions of the Second Schedule to this Act shall have effect in relation to a buildings authority which is not a dean of guild court.

(4) The Secretary of State may by regulations make supplementary provision with respect to the constitution of buildings authorities which are not dean of guild courts and with respect to the procedure of buildings authorities, whether dean of guild courts or not; and such regulations may, without prejudice to the foregoing generality,—

- (a) provide for the matters specified in the Third Schedule to this Act, and
- (b) in relation to a buildings authority which is a dean of guild court, provide that where, in the case of any building, matters come before the court both under this Act and otherwise than under this Act they may be dealt with by the court in conjunction.

(5) Regulations made under this section may provide for a combination in one document of—

- (a) any application required or authorised under this Act to be made, and
- (b) any application such as is mentioned in subsection (2) of section ninety-eight of the Town and Country Planning (Scotland) Act, 1947;

for the making of such combined application in such form and manner, and to such authority, as may be prescribed by the regulations; and for the transmission of copies of the application by that authority to such other authorities or persons as may be so prescribed.

(6) Subsections (3) and (4) of the said section ninety-eight shall have effect in relation to regulations made under the last foregoing subsection as they have effect in relation to regulations made under subsection (2) of the said section ninety-eight.

PART II

BUILDING STANDARDS AND BUILDING OPERATIONS

3.—(1) For the purposes of this Act the Secretary of State Building may (subject to the subsequent provisions of this Act) by standards regulations prescribe standards (expressed in terms of performance, types of material, methods of construction or otherwise) regulations. in relation to any or all of the matters specified in the Fourth Schedule to this Act, and such other matters relating to buildings as appear to him after consultation with the Building Standards Advisory Committee to be relevant to the said purposes.

PART II
—cont.

Regulations made under this subsection are in this Act referred to as “building standards regulations”, and references to the building standards regulations in relation to a building of any particular class are references to so much of the regulations as apply to a building of that class.

(2) The standards prescribed under the foregoing subsection shall be such as in the opinion of the Secretary of State can reasonably be expected to be attained in buildings of the classes to which they relate, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent such buildings and the safety of the public generally.

(3) Without prejudice to the generality of the foregoing provisions of this section building standards regulations may—

(a) prescribe different standards for buildings of different classes ;

(b) make special provision for buildings intended to have a life not exceeding such period, being a period of ten years or less, as may be specified in the regulations ;

(c) provide for buildings constructed with materials of such types or by such methods of construction as may be specified in the regulations to be deemed to satisfy such standards as may be so specified in relation to those types of material, or, as the case may be, those methods of construction.

(4) Building standards regulations shall not apply to—

(a) buildings belonging to, or in the occupation of, the United Kingdom Atomic Energy Authority, being buildings other than dwelling houses or offices ; or

(b) buildings of such other classes as may be specified in the regulations as exempted classes.

(5) For the purposes of this Act and any regulations made thereunder buildings may be classified by reference to size, description, design, purpose, location or any other characteristic whatsoever.

(6) Before making any regulations under this section the Secretary of State shall—

(a) consult the Building Standards Advisory Committee as to the contents of the proposed regulations ;

(b) publish in such manner as he thinks expedient a draft of the proposed regulations, together with a notice stating that representations as to the draft may be lodged with him in such manner and within such time as may be stated in the notice ;

(c) if required by any person who has duly lodged representations with him under the last foregoing paragraph, direct the holding of a public inquiry with respect to any representations so lodged ;

- (d) consider and representations duly lodged under paragraph (b) of this subsection, and the report of the person holding the inquiry, if any, under paragraph (c) of this subsection; and
- (e) consult the Building Standards Advisory Committee as to any alteration that he may propose to the said draft.

PART II
—cont.

4.—(1) If it appears to the Secretary of State, on application made to him in the prescribed manner in relation to any particular building, that it is unreasonable that any provision of the building standards regulations (being a provision which apart from this section applies, or by reason of a proposed change of use will apply, to that building) should apply to the building, or apply to it without modification, he may, subject to the next following subsection, direct that the provision shall not apply to that building or, as the case may be, shall so apply subject to such modifications as may be specified in the direction.

Relaxation of building standards regulations in particular cases.

(2) No direction under the foregoing subsection shall be given in respect of any provision of the building standards regulations which is described in the regulations as not being subject to a direction under this section.

(3) A direction given under this section may be given either unconditionally or subject to such conditions as may be specified in the direction.

(4) The provisions of the Fifth Schedule to this Act shall have effect as respects the procedure to be followed in connection with directions under this section.

5.—(1) The Secretary of State may make such regulations (in this Act referred to as “building operations regulations”) for the conduct of operations for the construction, repair, maintenance or demolition of buildings as he considers expedient to secure the safety of the public; and regulations under this subsection may make different provision for different classes of operations.

Building operations regulations.

(2) Any person who contravenes any provision of the building operations regulations shall be guilty of an offence against this Act.

6.—(1) No person shall—

- (a) in any place conduct any operations for the construction or demolition of a building of a class to which the building standards regulations apply, or
- (b) change the use of any building,

unless there has been obtained from the buildings authority a warrant for the construction, demolition or change of use, as the case may be, and any person who contravenes this subsection shall be guilty of an offence against this Act:

Application of building standards regulations and building operations regulations to construction or demolition, and to change of use, of buildings.

PART II
—cont.

Provided that nothing in this subsection shall apply to any operations for the alteration of a building which consist solely of the fitting of a fixture of any such kind as may be prescribed for the purposes of this subsection.

(2) A buildings authority shall, subject to subsection (8) of this section, grant a warrant such as is mentioned in the foregoing subsection on application being made therefor in the prescribed manner—

(a) in the case of a warrant for the construction or demolition of a building, if, but only if, they are satisfied that the operations involved will be conducted in accordance with the building operations regulations, and (in the case of operations for the construction of a building) that nothing in any plan, specification or other information submitted with the application shows that the building when constructed will fail to conform to the building standards regulations ; and

(b) in the case of a warrant for the change of use of a building, if, but only if, they are satisfied that after the change of use the building will conform to so much of the building standards regulations as will become applicable, or will apply more onerously, to the building by reason of the change of use.

(3) A warrant for the construction of a building shall be subject to the condition that the building shall be constructed as described in the warrant (including any relative plans and specifications) and in accordance with the building standards regulations, and, in a case where a direction has been given under section four of this Act, subject also to the condition that such conditions, if any, as are specified in the direction are observed.

(4) In relation to a building to be constructed in accordance with any special provisions of the building standards regulations relating to buildings intended to have a limited life (as mentioned in paragraph (b) of subsection (3) of section three of this Act) any application for a warrant shall state the period of intended life of the building (being not greater than that specified in the said provisions of the building standards regulations) and, without prejudice to the last foregoing subsection and subject to the next following subsection, the warrant shall be subject to the condition that the building will be demolished on or before the expiration of the period so stated.

(5) Where a warrant contains such a condition as is mentioned in the last foregoing subsection application may be made to the buildings authority, before the expiration of the period specified in the warrant, for an extension of the said period and the authority may, if they are satisfied that it is proper to do so, having regard to the special provisions mentioned in the last

foregoing subsection, extend the period, and further extend it from time to time, so however that no such extension by itself shall exceed the period for the time being specified in the said provisions in the building standards regulations.

(6) A warrant for the demolition of a building shall be subject to the condition that the demolition shall be completed within such period from the commencement of the operations for the demolition as may be specified in the warrant.

(7) If, after a warrant has been granted for the construction of a building and before any certificate of completion has been granted in respect of the building, the person holding the warrant desires to deviate from any plans or specifications to which he is required by the warrant to adhere he may apply to the buildings authority for an amendment of the terms of the warrant to cover the proposed deviation, and that authority shall then (subject to the next following subsection) make the amendment if, but only if, they are satisfied that the proposed deviation is in conformity with the building standards regulations.

(8) Notwithstanding anything in this section it shall be competent for—

- (a) a buildings authority which is a dean of guild court to refuse to grant a warrant (or an amendment of the terms of a warrant) if in the exercise of any jurisdiction exercisable by them apart from this Act they have determined that the operations or change of use in respect of which the warrant or amendment has been applied for would result in an infringement of a private right or otherwise be contrary to law, or
- (b) any buildings authority to refuse to grant a warrant (or an amendment of the terms of a warrant) if the application for it has not been duly made in the prescribed manner, or if, where the application relates to an extension to, or alteration of, a building, they consider that, as a direct result of the extension or, as the case may be, the alteration, the building as extended or altered will fail to conform with the building standards regulations ;

and nothing in this section shall be taken to prejudice the operation of section seventeen of the Restriction of Ribbon Development Act, 1935, or sections two, three or six of the Thermal Insulation (Industrial Buildings) Act, 1957 (which sections in their application to Scotland relate to the power of buildings authorities to refuse to grant warrants in certain circumstances).

PART II
—cont.

(9) Where under any provision of this Act or any other enactment a person is required or authorised—

(a) by a buildings authority to carry out any operations for the construction or demolition of any building, or

(b) by a local authority to demolish any building, a warrant shall be deemed to have been granted in respect of the construction or, as the case may be, the demolition.

(10) For avoidance of doubt it is hereby declared that, in respect of any building, subsection (1) of this section applies to any such deviation as is mentioned in subsection (7) of this section as it applies to the construction of the building.

Minor works.

7.—(1) In relation to such construction of buildings as may be prescribed, being construction of a minor character, a buildings authority shall, subject to the provisions of this section, delegate their functions under the last foregoing section—

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority.

(2) An application shall not be dealt with under a delegation made by virtue of the foregoing subsection unless it is shown in the prescribed manner that there is no objection to the granting of the application—

(a) in a case where the delegation has been made to the clerk of the buildings authority, on the part of the master of works, and

(b) in any case, on the part of any person other than the master of works on whom the application is required by regulations made under section two of this Act to be served;

and in any case where it is not so shown the application shall be dealt with as if this section had not passed.

(3) If any person is aggrieved by a refusal of the clerk of a buildings authority or a master of works to grant a warrant applied for by him he may require his application to be referred to, and dealt with by, the buildings authority.

(4) Regulations made under section two of this Act may include provision for procedural matters in connection with applications which could be dealt with under a delegation made by virtue of this section, including the making of reports to the buildings authority by the clerk or, as the case may be, the master of works as to any applications dealt with under such a delegation.

8.—(1) A buildings authority, on application made to them, may grant permission in writing to any person conducting operations for the construction, repair, maintenance or demolition of any building to occupy temporarily, for the purpose of depositing materials or otherwise in connection with those operations, such portion of any road, whether public or private, adjoining the building as may be specified in the permission, and may by such permission authorise the erection of staging or scaffolding so as to project over that portion of the road or such other portion of the road as may be so specified; and notwithstanding anything in any enactment or rule of law, any person who complies with any permission granted under this section (including any conditions to which the permission is subject by virtue of the next following subsection) shall not thereby be guilty of an offence.

PART II
—cont.

Occupation
of parts of
roads for
deposit of
materials, etc.

(2) Any permission granted under this section may be granted either unconditionally or subject to such conditions as may be specified in the permission.

(3) A buildings authority may delegate their functions under this section, as respects such cases and subject to such conditions as they may determine,—

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority:

Provided that where by virtue of any regulations made under section two of this Act an application for permission under this section is combined with an application for a warrant the application for permission under this section shall be dealt with by the same authority (whether the buildings authority, the clerk or the master of works) as the application for the warrant.

9.—(1) After the completion of the construction of any building in respect of which a warrant has been granted by a buildings authority any person having an interest to do so may apply to the buildings authority for a certificate under this section (in this Act referred to as a “certificate of completion”), and within such period as may be prescribed the buildings authority shall, in accordance with the following provisions of this section, either grant the certificate or notify the applicant of their refusal to do so.

Certificates of
completion.

(2) A buildings authority shall grant a certificate of completion in respect of any building if, but only if, they are satisfied that the building complies with the conditions on which the relative warrant was granted.

(3) In respect of so much of a building as consists of an electrical installation a buildings authority shall not be satisfied as mentioned in the last foregoing subsection unless there is

PART II
—cont.

produced to them a certificate granted by the person who installed the installation certifying that the installation complies with such of the said conditions as relate to it:

Provided that this subsection shall not apply in a case where it is shown to the satisfaction of the buildings authority that for some reasonable cause such a certificate cannot be produced.

(4) If any person, for the purpose of procuring the grant of a certificate of completion, grants or produces under the last foregoing subsection a certificate which he knows to be false or misleading in a material particular, or recklessly grants or produces such a certificate which is false or misleading in a material particular, he shall be guilty of an offence against this Act.

(5) Subject to the next following subsection, no person shall occupy or use a building (being a building which has been constructed by virtue of a warrant granted under this Act) before a certificate of completion in respect of the building has been issued by the buildings authority, and any person who wilfully contravenes this subsection shall be guilty of an offence against this Act:

Provided that nothing in this subsection shall apply to any occupation or use which is solely for the purpose of the construction of the building.

(6) Where on application made to them it appears to a buildings authority that, because of exceptional circumstances, it is reasonable that a building to which the last foregoing subsection applies should be temporarily occupied or used before a certificate of completion in respect of it has been issued they may (whether or not the construction of the building has been completed) grant written permission for such occupation or use during such period as may be specified in the permission (which period may be extended from time to time by a like permission); and while any permission under this subsection is in force in relation to any building the last foregoing subsection shall not have effect in relation to that building.

(7) A buildings authority shall, subject to the provisions of this section, delegate their functions under this section—

(a) to their clerk, or

(b) with the consent of the local authority, to the master of works appointed by the local authority.

(8) Subsections (2) to (4) of section seven of this Act shall have effect in relation to a delegation made by virtue of the last foregoing subsection as they have effect in relation to delegations made by virtue of that section.

10.—(1) If it appears to the master of works that any building of a class to which the building standards regulations apply—

PART II
—*cont.*

- (a) has been or is being constructed without a warrant in respect of the construction having been obtained, or in contravention of the conditions on which a warrant was obtained, or
- (b) remains in existence after the expiration of any period limited for it by the conditions on which the warrant for its construction was obtained,

Powers in relation to buildings constructed without warrant or in contravention of conditions of warrant, and buildings whose life has expired.

he may serve upon—

- (i) the person by whom, or on whose behalf, the building has been or is being constructed, or
- (ii) if that person no longer has an interest in the building, any other person who at the material time is entitled to the interest in the building which that person formerly had, or, if at the material time there is no such other person, the owner of the building,

a notice requiring him within such period as may be specified in the notice, being a period of not less than twenty-one days from the service of the notice, to show cause to the buildings authority why he should not be required to execute such operations as may be specified in the notice, being operations for the removal of the building or operations necessary to make the building conform to the building standards regulations; and if the person upon whom the notice has been served fails to show cause as aforesaid to the satisfaction of the buildings authority they may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.

(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection from any person, if that person is the owner of the building.

PART II
—cont.

(4) An order served under subsection (1) of this section shall become operative only in accordance with subsection (4) of section sixteen of this Act.

(5) A master of works may include in a notice served by him under subsection (1) of this section in respect of a building which is being constructed a requirement that the person on whom the notice is served shall cause the work thereon to be suspended until the matters raised in the notice have been determined, or until the expiration of the period of one month from the date of service of the notice, whichever first occurs.

(6) References in this section to the period limited for a building by the conditions on which the warrant for its construction was obtained are references to that period together with any extension thereof authorised by virtue of subsection (5) of section six of this Act.

(7) This section shall apply in relation to a part of a building, being a fixture the fitting of which is excluded from the operation of subsection (1) of section six of this Act by virtue of the proviso thereto, which—

(a) has been fitted, and

(b) either in itself or in the manner of its fitting fails to conform to the building standards regulations,

as it applies to a building which has been constructed as mentioned in paragraph (a) of subsection (1) of this section.

(8) For avoidance of doubt it is hereby declared that, in respect of any building, this section applies to any such deviation as is mentioned in subsection (7) of section six of this Act as it applies to the construction of the building.

Power of local authorities to require buildings to conform to building standards regulations.

11.—(1) The following provisions of this section shall have effect in relation to a building in the area of a local authority, being a building of a class to which the building standards regulations apply, where—

(a) the building does not conform to a provision of the building standards regulations ;

(b) the local authority consider that the building ought, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent it and the safety of the public generally, to be made to conform to that provision ; and

(c) it is reasonably practicable to make the building conform to that provision.

(2) The local authority may serve on the owner of the building a notice specifying the provision to which they consider that the

building ought to conform (in this section referred to as “the specified provision”) and requiring the owner within such period as may be specified in the notice, being a period of not less than twenty-eight days from the service of the notice, to show cause why the building should not conform to the specified provision.

(3) If within the period specified in the notice mentioned in the last foregoing subsection the owner of the building applies to the Secretary of State for a direction under section four of this Act in respect of the building and notifies the local authority that he has done so, the said period shall be deemed to be extended so as to expire at the end of the period of twenty-eight days from the date of the giving of the direction or, as the case may be, the refusal to give a direction; and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is modified by any such direction, be construed as a reference to the specified provision as so modified.

(4) If within the period specified in the notice mentioned in subsection (2) of this section (or, in a case falling within the last foregoing subsection, that period as extended by virtue of that subsection) the owner fails to show cause to the satisfaction of the local authority why the building should not be made to conform to the specified provision, the local authority may order the owner to make the building conform to the specified provision within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative.

(5) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the last foregoing subsection the owner of the building has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may themselves execute the operations necessary to make the building conform to the specified provision; and any expenses thereby incurred by them shall be recoverable from the owner of the building as a debt.

(6) The provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under the last foregoing subsection.

(7) No notice served under this section shall specify any provision of the building standards regulations which is described in the regulations as not being subject to specification in such a notice.

(8) An order under subsection (4) of this section shall not become operative—

- (a) except in accordance with subsection (4) of section sixteen of this Act;

PART II
—cont.

(b) before the disposal of any application for a warrant in respect of the operations which are the subject of the order, including the disposal of any appeal under section sixteen of this Act against a decision of the buildings authority refusing to grant a warrant.

(9) In this section “reasonably practicable” means reasonably practicable having regard to all the circumstances, including the expense involved in executing the operations necessary to make the building conform to the specified provision.

Building
Standards
Advisory
Committee.

12.—(1) The Secretary of State shall, after consultation with such bodies as appear to him to be representative of the interests concerned, appoint a committee, in this Act referred to as the Building Standards Advisory Committee, for the purpose of—

- (a) advising the Secretary of State on the exercise of his functions under section three of this Act;
- (b) keeping under review the operation of, and making to the Secretary of State such recommendations as they think desirable in connection with, the building standards regulations; and
- (c) advising the Secretary of State on any question relating to any of his functions under this Part of this Act which he may refer to them.

(2) The Secretary of State may by regulations make provision with respect to the constitution and procedure of the Building Standards Advisory Committee and for the submission to him at intervals of not more than five years of reports from the Committee as to the exercise of their functions under paragraph (b) of subsection (1) of this section.

(3) The Secretary of State may pay to the members of the Building Standards Advisory Committee, and to persons attending meetings at the request of the Committee, such allowances as he may, with the approval of the Treasury, determine in respect of travelling and subsistence expenses and in respect of other expenses (if any) necessarily incurred by them for the purpose of enabling them to discharge their functions as members of the Committee, or to attend such meetings, as the case may be.

PART III

DANGEROUS BUILDINGS

Action to be
taken in
respect of
buildings
found to be
dangerous.

13.—(1) If it appears to the master of works that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally he shall forthwith—

- (a) require any occupants of the building in question, and of any adjacent building, being persons whom he considers to be endangered by the state of the building in question, to remove immediately from those buildings;

- (b) cause to be executed such operations (including, if necessary, demolition operations) as in his opinion are necessary for preventing access to the building and any adjacent parts of any road or public place which appear to him to be dangerous by reason of the state of the building and otherwise for the protection of the public and of persons and property on the land adjacent to the building ; and
- (c) serve on the owner of the building a notice requiring him within a period of seven days from the service of the notice to begin, and within such further period as may be specified in the notice, being a period of not less than twenty-one days from the expiration of the first mentioned period, to complete to the satisfaction of the master of works, such operations for the repair, securing or demolition of the building as may be so specified, being operations necessary in the opinion of the master of works to remove the danger.

(2) If on the expiration of the period of seven days referred to in paragraph (c) of the foregoing subsection the owner of the building has not begun, or if on the expiration of the period of not less than twenty-one days so referred to he has not completed, the operations required by a notice given under that paragraph the master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with.

(3) An order under the foregoing subsection shall become operative only in accordance with subsection (4) of section sixteen of this Act.

(4) If an order granted by a buildings authority under subsection (2) of this section is not duly complied with the buildings authority may authorise the local authority to execute the operations which the owner has failed to execute or to demolish the building ; and the local authority shall thereupon be entitled to act accordingly.

(5) Any expenses incurred by a local authority or a master of works in executing their or his functions under this section in respect of any building, shall, subect to the provisions of section seventeen of this Act, be recoverable by the local authority from the owner of the building as a debt ; and the provisions of the Sixth Schedule to this Act shall have effect for the purpose of

PART III
—cont.

securing the recovery by a local authority of any expenses recoverable by them under this section.

(6) The provisions of the Seventh Schedule to this Act shall have effect for the purpose of securing the removal—

- (a) from a building, of any occupant who, on being required under paragraph (a) of subsection (1) of this section to remove from the building in the circumstances mentioned in that subsection, fails to do so; and
- (b) from a building which is the subject of an order under this section requiring it to be demolished, of the occupants thereof.

Power of local authorities to sell materials from demolished buildings.

14. If a building is demolished by a master of works acting under paragraph (b) of subsection (1) of the last foregoing section, or by a local authority acting under subsection (4) of that section, the local authority may sell any building material that arises from such demolition, and if they do so they may set off the proceeds of the sale against any sums recoverable by them from the owner under the foregoing provisions of this Part of this Act, and shall account to the owner for any amount by which the proceeds exceed the aggregate of the sums so recoverable.

Power of local authorities to purchase buildings and sites where owner cannot be found.

15.—(1) If in relation to any building a local authority have, acting under subsection (4) of section thirteen of this Act, executed any operations such as are referred to in that subsection or demolished the building, and the expenses thereby incurred by them cannot be recovered by reason of the fact that the owner of the building cannot be found, the local authority may be authorised by the Secretary of State to purchase the building and its site compulsorily.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to a compulsory purchase of land under the foregoing subsection as if that subsection had been in force immediately before the commencement of that Act.

(3) The local authority shall be entitled to deduct from the compensation payable on the compulsory purchase of land under this section the amount of the expenses referred to in subsection (1) of this section so far as not otherwise recovered.

PART IV

SUPPLEMENTARY

Appeals.

16.—(1) Any person aggrieved by—

- (a) any decision of a buildings authority refusing to grant warrant for the construction or demolition of a building or for a change of use of a building,

- (b) any decision of a buildings authority under subsection (5) of section six of this Act refusing to extend a period relating to a building intended to have a limited life,
- (c) any decision of a buildings authority refusing to issue a certificate of completion,
- (d) any order made by a buildings authority under subsection (1) of section ten of this Act requiring the execution of operations,
- (e) any order under section eleven of this Act by a local authority requiring a building to be made to conform to any provision of the building standards regulations,
- (f) any order of a buildings authority under subsection (2) of section thirteen of this Act requiring the execution of operations, or
- (g) any charging order made under the Sixth Schedule to this Act,

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of the decision or the making of the order, as the case may be :

Provided that on any appeal in a case falling under paragraph (g) of this subsection no question shall be raised which might have been raised on an appeal against the original order requiring the execution of the operations concerned.

(2) The procedure on any appeal to the sheriff under this section shall be such as the Court of Session may by act of sederunt determine ; and the powers of the Court of Session under this subsection shall include power to make provision as to expenses and as to the sitting with the sheriff of technical assessors.

(3) On any appeal under this section the sheriff may—

- (a) if the appeal is in a case falling within paragraph (a) or paragraph (b) or paragraph (c) of subsection (1) of this section, either confirm the decision or direct the substitution of such other decision as seems to him proper, having regard to the provisions of this Act and of any other Act relevant to the decision in question;
- (b) if the appeal is in a case falling within any other provision of subsection (1) of this section, confirm, vary or quash the order as he thinks just and make such order in the matter as he considers equitable ;

and the determination of the sheriff on any such appeal shall be binding on all parties, and shall be final :

Provided that the sheriff may, at any stage of the proceedings on the appeal, and shall whether before or after the conclusion of the proceedings if so directed by the Court of Session, state

PART IV
—*cont.*

a case for the opinion of that Court on any question of law arising in connection with the appeal; and an appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, which leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.

(5) The sheriff may, before considering any appeal which may be made to him under this section, require the appellant to deposit such sum to cover the expenses of the appeal as may be fixed by the act of sederunt made by the Court of Session in pursuance of subsection (2) of this section.

(6) The power of the Court of Session to make acts of sederunt under subsection (2) of this section shall be exercisable by statutory instrument, and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt so made by the Court in like manner as if the act of sederunt had been made by a Minister of the Crown.

Supple-
mentary
provisions
as to opera-
tions required
to be carried
out.

17.—(1) The provisions of this section shall have effect where a person is required by any order or notice under section ten, eleven or thirteen of this Act (in this section referred to as a “requirement”) to demolish, or carry out operations in relation to, a building.

(2) If the building is—

- (a) a building in respect of which a notice under subsection (1) of section six of the Ancient Monuments Act, 1931, has been served, or is deemed under subsection (4) of that section to have been served, and which has not ceased to be included in any such list as is mentioned in the said subsection (1),
- (b) subject to a building preservation order under section twenty-seven of the Town and Country Planning (Scotland) Act, 1947,
- (c) included in a list of buildings of special architectural or historic interest, being a list compiled or approved under section twenty-eight of the said Act of 1947, or

(d) subject to an interim preservation notice under section ten, or a preservation order under section eleven, of the Historic Buildings and Ancient Monuments Act, 1953, the requirement shall have effect only in so far as it is not inconsistent with any provision of the said Act of 1931, the said Act of 1947 or, as the case may be, the said Act of 1953 relating to the execution or carrying out of works or operations on or in relation to the building.

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section ten, eleven or thirteen, the local authority seek to recover from the person any expenses incurred by them in carrying out operations in relation to the building, then, if the person proves—

- (a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section ten, eleven or thirteen, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

(5) In the case of a requirement being an order under the said section ten, or the said section eleven, it shall be a defence to any complaint charging the person with failure to comply with the requirement to prove that at the date of the making of the requirement—

- (a) the person had no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) the amount of the funds, rents and other assets in his possession in that capacity was less than the amount of the expenses which would have been incurred if the requirement had been complied with.

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest

PART IV
—cont.

in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

(7) The provisions of subsection (3) of the last foregoing section relating to the determination of the sheriff on an appeal under subsection (1) of that section shall apply to the order of the sheriff in an application under the last foregoing subsection as they apply to such a determination, with the substitution for any reference to the appeal under the said subsection (1) of a reference to the application.

Inspection
and tests.

18.—(1) Subject to the provisions of subsection (3) of this section the master of works, or any person authorised in writing by him or by the buildings authority on exhibiting his authority if requested to do so, may at all reasonable times enter any premises for the purpose of—

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section four, or warrants under section six, of this Act have been made ;
- (b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph ;
- (c) inspecting any buildings as to which the master of works has reasonable cause to believe that a change of use is proposed or has taken place ;
- (d) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally ; or
- (e) executing any operations authorised by paragraph (b) of subsection (1) of section thirteen of this Act ;

and may execute any of the said purposes.

(2) The foregoing subsection shall, subject as aforesaid, apply, as it applies to persons authorised as mentioned in that subsection for the purposes so mentioned, to any person authorised in writing by a local authority for the purpose of—

- (a) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section eleven of this Act ; or

(b) executing any operations authorised under section ten, section eleven or section thirteen of this Act to be executed by the local authority.

(3) No person shall be entitled to enter any premises by virtue of subsection (1) of this section for the purposes specified in paragraph (c) thereof, or by virtue of subsection (2) of this section, unless he has given three days' notice of his intention to do so to the occupier, and (unless the owner is unknown) also to the owner, of the premises.

(4) If a justice of the peace (not being a justice of the peace who is a member of the buildings authority or the local authority) on sworn information in writing—

(a) is satisfied that there are reasonable grounds for entering into any premises for any such purpose as is mentioned in subsection (1) or (2) of this section, and

(b) is also satisfied either—

(i) that admission to the premises has been refused, or a refusal is apprehended and that notice of the intention to apply for a warrant has been given to the occupier, or

(ii) that an application for admission, or the giving of such notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,

the justice of the peace may, notwithstanding anything in subsection (3) of this section, by warrant under his hand authorise the buildings authority or local authority, as the case may be, by any authorised officer, to enter the premises, if need be by force.

(5) A person entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

(6) Every warrant granted under this section shall continue in force for a period of one month.

(7) A person who wilfully obstructs any person acting in the execution of any of the purposes mentioned in subsection (1) or subsection (2) of this section shall be guilty of an offence against this Act.

(8) If any person who, by virtue of the provisions of this section, or of a warrant issued thereunder, enters a factory or work-place, discloses to any other person any information

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—cont.

obtained by him in the factory or work-place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this Act.

(9) In this section any reference to premises includes a reference to sites and buildings, and any reference to a justice of the peace includes a reference to the sheriff.

(10) The master of works or any person authorised by him may require—

(a) any person who has made an application for a direction under section four of this Act, or for a warrant, in respect of a building, or

(b) any person by whom, or on whose behalf, a building is being or has been constructed in pursuance of a warrant,

to cause to be carried out such reasonable test of materials forming part of the building, or used or proposed to be used in the construction of the building, as may be specified in the requirement; and the expense of carrying out any test to be carried out under this subsection shall be met by the person so required:

Provided that the buildings authority, on application made to them, may if they think fit direct that the expense of carrying out any such test as aforesaid, or such part of that expense as may be specified in their direction, shall be met by the local authority.

Penalties.

19.—(1) Any person guilty of an offence under subsection (7) of section eighteen or subsection (3) of section twenty-five of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) Any person guilty of an offence against this Act, except as specified in the foregoing subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.

Fees
chargeable
by buildings
authorities.

20.—(1) A buildings authority may, in respect of such of their business as may be prescribed, charge such fees as may be prescribed in relation thereto; and different fees may be prescribed for different buildings authorities.

(2) Any fees received by virtue of this section by a buildings authority to whom section three hundred and twenty-eight of the Local Government (Scotland) Act, 1947, or any corresponding provision of a local Act or paragraph 11 of the Second Schedule to this Act applies shall be paid by them to the local authority.

21.—(1) In connection with every buildings authority the local authority shall appoint a master of works and may pay to him such reasonable salary as they may determine.

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—cont.

Provisions as
to masters of
works.

(2) A master of works appointed under this section shall hold office during the pleasure of the local authority.

(3) Without prejudice to any other provision of this Act, it shall be the duty of the master of works appointed in connection with any buildings authority to report to the buildings authority upon all plans, specifications and other information lodged with applications to the buildings authority, to see that the orders made by the buildings authority are duly carried into execution, from time to time to inspect the works being carried out in pursuance of any warrant granted by the buildings authority and to report to the buildings authority any breach of the conditions to which the warrant is subject ; and also to perform any other duties which he may be required by the local authority to perform.

(4) A master of works shall not be connected directly or indirectly with, or interested in, any branch of the building trade in the area of the local authority by whom he is appointed, or give any assistance, or receive any fees, in connection with applications made to the buildings authority (not being applications so made by himself acting under this Act).

(5) After such day as may be prescribed by the Secretary of State no person shall be appointed as a master of works under this section unless he is qualified in such manner as may be prescribed by the Secretary of State after consultation with such bodies as appear to him to be representative of the interests concerned ; but nothing in this subsection shall affect the tenure of office of any master of works who is in office immediately before the day prescribed as aforesaid.

(6) Section eighty-three of the Local Government (Scotland) Act, 1947 (which provides for the appointment of deputes for certain officers in counties) shall apply in relation to the master of works for the landward area of a county as it applies to the officers mentioned in that section ; and section ninety-three of the said Act of 1947 (which makes similar provision in relation to certain officers in burghs) shall apply in relation to the master of works for a burgh as it applies to the officers mentioned in that section.

(7) For the purposes of sections eighty-two and ninety-two of the said Act of 1947 (which relate to the appointment of staff of county councils and town councils respectively) the functions of the master of works for the landward area of a county or for a burgh shall be deemed to be functions of the county council or, as the case may be, the town council.

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—cont.

(8) This section shall be in lieu of any provision of any enactment (including any local Act) providing for the appointment of a master of works for a burgh or in connection with the dean of guild court of a burgh, and any person who immediately before the commencement of this Act held office as master of works under any such provision shall be deemed to have been appointed as master of works in connection with the buildings authority for the burgh under this section.

Information.

22. Every buildings authority shall make to the Secretary of State such reports and returns, and give him such information with respect to their functions, as the Secretary of State may require.

Inquiries.

23.—(1) Without prejudice to anything in subsection (6) of section three of this Act the Secretary of State may, for the purposes of any of his functions under this Act, direct the holding of such public inquiries as he may think fit.

(2) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall apply to any inquiry held under this section or subsection (6) of section three of this Act as it applies to the inquiries specified in the said section three hundred and fifty-five.

Regulations.

24.—(1) Without prejudice to any power conferred by any other provision of this Act to make regulations the Secretary of State may make regulations prescribing—

(a) the form of any notice or other document which is required or authorised to be used under or for the purposes of this Act, and

(b) any other thing which by this Act is required or authorised to be prescribed.

(2) The forms prescribed under the foregoing subsection, or forms as near thereto as circumstances admit, shall be used in all cases in which those forms are applicable.

(3) Any power conferred by any provision of this Act, including this section, to make regulations shall be exercisable by statutory instrument, and the statutory instrument by which any such power is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Service of
notices, etc.

25.—(1) The provisions of section three hundred and forty-nine of the Local Government (Scotland) Act, 1947 (which relates to the service of certain notices, orders and other documents) shall apply to the service of any notice, order or other document required by any provision of this Act, or of any regulations made under this Act, to be served as they apply to the service of the notices, orders and other documents referred to in that section.

(2) A buildings authority or a local authority may, for the purpose of enabling them to serve any notice which they are by this Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein.

(3) If any person, having been required by a buildings authority or a local authority in pursuance of the last foregoing subsection to give to them any information, fails to give that information, or makes in respect thereof any statement which he knows to be false or misleading in a material particular, or recklessly makes in respect thereof any statement which is false or misleading in a material particular, he shall be guilty of an offence against this Act.

26.—(1) Nothing in this Act shall affect prejudicially any Crown rights. estate, right, power, privilege or exemption of the Crown and nothing in this Act, or in any regulations or order made, or notice given, under this Act, shall affect any Crown building:

Provided that—

(a) in relation to a Crown building, subsection (1) of section six of this Act shall apply—

(i) to the conduct of any operations such as are mentioned in that subsection, and

(ii) to any change of use,

which is not effected by, or on behalf of, the Crown Estate Commissioners or a government department, or approved for the purposes of this section by the appropriate authority ;

(b) in relation to a Crown building, the appropriate authority may direct that such provisions of section ten, section eleven and Part III of this Act as may be specified in the direction shall apply to the building as if it were not a Crown building, and may revoke any such direction ;

(c) nothing in this section shall affect the operation of the building operations regulations in relation to operations carried out in connection with a Crown building otherwise than by servants of the Crown acting under the direction of the appropriate authority or another government department.

(2) Except with the consent of the appropriate authority nothing in this Act, or in any regulations made, or warrant granted, under this Act, shall authorise the entry of any person into a Crown building or on to land occupied with a Crown building.

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—cont.

(3) In this section the expression “ Crown building ” means a building an interest in which belongs to Her Majesty in right of the Crown or to a government department, or is held in trust for Her Majesty for the purposes of a government department, or of which the Minister of Works is guardian under the Ancient Monuments Consolidation and Amendment Act, 1913 ; and, in relation to a Crown building, the expression “ appropriate authority ” means—

- (a) in the case of a building an interest in which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or any government department having the management of that building ;
- (b) in the case of a building an interest in which belongs to a government department or is held in trust for Her Majesty for the purposes of a government department, that department ;
- (c) in the case of a building of which the Minister of Works is guardian as aforesaid, that Minister ;

and, if any question arises as to the authority which is the appropriate authority in relation to any building, the question shall be determined by the Treasury.

Transitional provisions.

27. The provisions of the Eighth Schedule to this Act shall have effect for the purposes of the transitional matters specified therein.

Financial provisions.

28. There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by the Secretary of State in consequence of this Act, and
- (b) any increase attributable to this Act in sums payable out of moneys so provided under any other enactment.

Interpretation.

29.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively—

“ building ” means any structure or erection of what kind or nature soever, whether temporary or permanent, and every part thereof including any fixture affixed thereto, not being a structure or erection or part thereof consisting of, or ancillary to,—

(a) any road, whether public or private, including in the case of a public road (but not in the case of a private road) any bridge on which the road is carried ;

(b) any sewer or water main which is, or is to be, vested in a public authority ;

(c) any aerodrome runway ;

- (d) any railway line ;
- (e) any large reservoir within the meaning of the Reservoirs (Safety Provisions) Act, 1930 ; or
- (f) any telegraphic line as defined in section two of the Telegraph Act, 1878 ;
- “ buildings authority ”, and “ area ” in relation to a buildings authority, have the meanings assigned to them respectively by section one of this Act ;
- “ building operations regulations ” has the meaning assigned to it by section five of this Act ;
- “ Building Standards Advisory Committee ” has the meaning assigned to it by section twelve of this Act ;
- “ building standards regulations ” has the meaning assigned to it by section three of this Act ;
- “ burgh ” has the same meaning as in the Local Government (Scotland) Act, 1947 ;
- “ certificate of completion ” has the meaning assigned to it by section nine of this Act ;
- “ change of use ” in relation to a building means such change in the use or occupation of the building as will bring it within a class of building to which the building standards regulations apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of the building standards regulations apply, and “ change the use ” shall be construed accordingly ;
- “ construct ” includes alter, erect, extend and fit, and “ construction ” shall be construed accordingly ;
- “ contravene ”, in relation to a provision, includes fail to comply with the provision ;
- “ government department ” includes a Minister of the Crown ;
- “ landward area ” has the same meaning as in the Local Government (Scotland) Act, 1947 ;
- “ local Act ” includes a decret-arbitral, provisional order or other instrument ratified or confirmed by a Parliament of Scotland or of the United Kingdom ;
- “ local authority ” means a town council or a county council, and “ area ” in relation to a local authority means the burgh, or, as the case may be, the landward area of the county ; and references to the local authority in relation to a buildings authority and to any particular building or place are references to the local authority whose area is the area of the buildings authority or, as the case may be, includes that building or place ;
- “ master of works ” means a master of works appointed under section twenty-one of this Act ; and, in relation to any building, means the master of works so appointed

PART IV
—cont.

for the burgh, or, as the case may be, the landward area of the county, in which the building is, or will be, situated ;

“operations” includes operations carried out in relation to the enclosure and preparation of the site of a building ;

“prescribed” means prescribed by the Secretary of State by regulations made under this Act ;

“road” includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street ;

“warrant” (except in subsections (4), (5), (6) and (8) of section eighteen and subsection (2) of section twenty-six of this Act) means a warrant under section six of this Act, including (in the case of a warrant which has been granted) any conditions to which it is subject, and any amendment which has been made to it.

(2) Any reference in this Act to a building shall, unless the context otherwise requires, be construed as including a reference to a prospective building ; and, in relation to the extension, alteration or change of use of a building, the expression “building” shall in this Act, unless the context otherwise requires, be construed as a reference only to so much of the building as is comprised in the extension or is the subject of the alteration or change of use, as the case may be.

(3) Any reference in this Act to the owner of any land or buildings shall, unless the context otherwise requires, be construed as including a reference to any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land or buildings to the promoters of an undertaking.

(4) Any reference in this Act to a public road shall be construed as a reference to a road maintainable by the Secretary of State, a county council or a town council ; and any reference to a private road shall be construed as a reference to a road not so maintainable, whether it comprises a public right of way or not.

(5) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended, applied or extended by or under any other enactment including this Act.

(6) Any reference in this Act to a dean of guild court shall be construed as including a reference to a dean of guild sitting as a dean of guild court.

(7) Any reference in this Act to an enactment contained in the Burgh Police (Scotland) Acts, 1892 to 1911 or any Act amending those Acts shall be construed as including a reference to that enactment as applied or adopted by a local Act or by a resolution passed under statutory authority.

(8) Any building which extends into the areas of two or more buildings authorities, or two or more local authorities, shall be treated for the purposes of this Act as being wholly within the area of such one of those buildings authorities or, as the case may be, such one of those local authorities, as may from time to time be agreed by the authorities concerned, or, in default of agreement, determined by the Secretary of State.

(9) Any reference in this Act (except in section sixteen thereof) or in any other Act to the exercise by a buildings authority of any of their functions shall, in the case of a function which may be delegated to any person by virtue of any provision of this Act, be construed as including a reference to the exercise of the function by that person.

30.—(1) Subject to the next following subsection, where any local Act contains any provision providing for any matter which is also provided for by any provision of this Act, or of any regulations having effect by virtue of this Act, the provision of this Act, or, as the case may be, of those regulations, shall have effect in substitution for the provision of the local Act, and the provision of the local Act shall cease to have effect: Local Act provisions.

Provided that this subsection shall be without prejudice to subsection (2) of section two of this Act.

(2) The Secretary of State may by order made by statutory instrument except from the operation of the foregoing subsection such provisions of any local Act as may be specified in the order (being provisions to which apart from the order that subsection would apply) and direct that the corresponding provisions of this Act or of any regulations having effect by virtue of this Act (which provisions shall be specified in the order) shall not have effect in the areas in which the specified provisions of the local Act have effect:

Provided that no order under this subsection shall be made in relation to a provision (being a provision of a local Act) which has ceased to have effect.

(3) If it appears to the Secretary of State that any provision of any local Act, not being a provision which has ceased to have effect by virtue of subsection (1) of this section, is inconsistent with any provision of this Act or is no longer required, or requires to be amended, having regard to any provision of this Act, he may by order repeal or amend the provision of the local Act as he may consider appropriate.

(4) The power of making orders conferred by the last foregoing subsection shall be exercisable by statutory instrument and any order made under that subsection shall be subject to special parliamentary procedure.

PART IV
—*cont.*

Minor and consequential amendments and repeals.

Short title, extent and commencement.

31.—(1) The enactments specified in the Ninth Schedule to this Act shall have effect subject to the amendments, being amendments consequential on the provisions of this Act or of a minor nature, specified in relation thereto in that Schedule.

(2) The enactments specified in the Tenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

32.—(1) This Act may be cited as the Building (Scotland) Act, 1959.

(2) This Act shall extend to Scotland only.

(3) This Act, except sections three, five, twelve, twenty-three, twenty-four and twenty-eight and subsections (2) to (4) of section thirty thereof, and paragraph 5 of the First Schedule thereto, shall come into operation on such day as the Secretary of State may by order, made by statutory instrument, appoint, and those provisions shall come into operation on the passing of this Act; and for the purposes of this Act and of the application thereto of section thirty-seven of the Interpretation Act, 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act) references to the commencement of this Act shall, notwithstanding the provisions of section thirty-six of the said Act of 1889 with respect to the construction of the expression “commencement”, be construed as references to the time at which this Act, except the provisions of this Act specified in this section, comes into operation.

SCHEDULES

FIRST SCHEDULE

Section 1.

ENACTMENTS RELATING TO DEAN OF GUILD COURT FUNCTIONS
UNAFFECTED BY THIS ACT

1. In the Burgh Police (Scotland) Act, 1892—

- (a) section one hundred and sixty-eight (which relates to the regulation of places of public amusement and entertainment),
- (b) section one hundred and seventy-five (which relates to lighting and other matters in public buildings, theatres and places of public entertainment),
- (c) section one hundred and eighty-six (which relates to precautions to be taken during the construction and repair of streets, sewers and other works),

in each case as read with section two hundred and one of that Act (which relates to the exercise by the dean of guild court of powers and duties conferred by that Act on town councils).

2. In the Burgh Police (Scotland) Act, 1903—

- (a) sections eleven and twelve (which relate to warrants for laying out new streets) as read with section thirteen of that Act (which relates to the transfer to dean of guild courts of powers and duties conferred by those sections on town councils);
- (b) section thirty-one (which relates to the use of roofs and platforms for sitting and standing accommodation);
- (c) section thirty-five (which relates to infringements in the construction of streets);
- (d) section thirty-nine (which relates to relaxation of certain provisions of the Burgh Police Acts relating to streets and buildings);
- (e) sections forty-one and forty-three (which relate to penalties);
- (f) in section one hundred and three, paragraph (9) (which relates to the centre lines of streets).

3. In the Local Government (Scotland) Act, 1947, section three hundred and twenty-four (which relates to the general jurisdiction of dean of guild courts in burghs which are not royal burghs) except so far as inconsistent with any provision of this Act.

4. Any provision of any local Act corresponding to any of the provisions specified in the foregoing paragraphs of this Schedule.

5. Any provision of any local Act specified by the Secretary of State by order made by statutory instrument before the commencement of this Act.

Section 2.

SECOND SCHEDULE

GENERAL PROVISIONS RELATING TO BUILDINGS AUTHORITIES WHICH ARE NOT DEAN OF GUILD COURTS

1. The quorum at a meeting of a buildings authority shall be two members.

2. The chairman of a buildings authority shall be such one of the members of the authority as may be appointed as chairman by the local authority ; and, if the chairman is absent from any meeting of the buildings authority, the members present shall elect one of their number to preside at the meeting.

3. The chairman or other member presiding shall have a casting vote as well as a deliberative vote.

4. No member of a buildings authority shall sit as such when any matter in which he is personally interested is under consideration.

5. The proceedings of a buildings authority shall not be invalidated by any vacancy among their number or by any defect in the appointment of any member thereof.

6. A buildings authority may appoint committees consisting wholly of members of the authority, and may delegate to any committee so appointed any of their functions—

- (a) under section six of this Act, not being functions delegated by virtue of section seven of this Act to their clerk or to the master of works ;
- (b) relating to the inspection of buildings ; or
- (c) relating to the disposal of incidental questions arising in proceedings on any application to them :

Provided that—

- (i) an application shall not be dealt with under a delegation made by virtue of sub-paragraph (a) of this paragraph unless it is shown in the prescribed manner that there is no objection to the granting of the application on the part of the master of works or any other person on whom the application is required by regulations made under section two of this Act to be served, and in any case where it is not so shown the application shall be dealt with as if the said sub-paragraph (a) had not passed ;
- (ii) if any person is aggrieved by a refusal of a committee of a buildings authority to grant under a delegation made by virtue of sub-paragraph (a) of this paragraph an application made by him he may require his application to be referred to, and dealt with by, the buildings authority.

7. A chairman of any such committee shall be appointed, and the quorum fixed, by the buildings authority, and at any meeting of the committee the chairman shall preside and have a casting vote as well as a deliberative vote.

8. Subject to the provisions of the next following paragraph, the clerk of the buildings authority shall be the person for the time being holding the office of clerk of the local authority.

2ND SCH.
—cont.

9. The clerk of a buildings authority shall not act as agent of any party in relation to any opposed matter before the authority; and if any partner of the clerk of the buildings authority, or any depute of his or person employed by him (including any depute of his, or person employed by him, in his capacity as clerk of the local authority), so acts in relation to any such matter, the buildings authority shall appoint an independent person to be legal assessor in relation to that matter.

10. The local authority may make rules regulating the dates of meetings of the buildings authority.

11. The local authority shall provide such accommodation, and such furniture, books and other things, as are required for the transaction of the business of the buildings authority, and shall pay any expenses of the authority.

12. References in this Schedule to a buildings authority are references to a buildings authority which is not a dean of guild court.

THIRD SCHEDULE

Section 2.

MATTERS WHICH MAY BE PROVIDED FOR BY REGULATIONS UNDER PARAGRAPH (a) OF SUBSECTION (4) OF SECTION 2

1. The submission along with any application to a buildings authority for a warrant or an amendment of a warrant under section six of this Act of plans, specifications, estimates of costs and other information, and the availability thereof for inspection by interested parties.

2. The service on such persons as may be specified (including conterminous proprietors) of applications, decisions and notices relating to matters coming before a buildings authority.

3. The hearing by buildings authorities of applicants and other persons having an interest in applications.

4. The holding in public of the proceedings of buildings authorities.

5. The statement by buildings authorities, in giving decisions, of reasons for the decisions.

6. The maintenance by buildings authorities of records of applications and decisions on applications (including applications, and decisions on applications, relating to buildings intended to have a limited life) and the inspection by members of the public of such records; and in this paragraph references to applications include references to such plans, specifications and other information relative thereto as are mentioned in paragraph 1 of this Schedule.

7. The duration of the validity of warrants under section six of this Act.

8. The notification to buildings authorities of the dates of commencement and completion of operations carried out in pursuance of warrants.

Section 3.

FOURTH SCHEDULE

MATTERS IN REGARD TO WHICH BUILDING STANDARDS REGULATIONS
MAY BE MADE

Preparation of sites.

Strength and stability.

Fire precautions (including resistance of structure to the outbreak and spread of fire, the protection of occupants and means of escape in the event of fire).

Resistance to moisture.

Resistance to the transmission of heat.

Resistance to the transmission of sound.

Durability.

Resistance to infestation.

Drainage.

Ventilation (including the provision of open space therefor).

Daylighting (including the provision of open space therefor).

Heating and artificial lighting.

Services, installations and ancillary equipment (including services, installations and ancillary equipment for the supply or use of gas or electricity, and the provision of such arrangements for heating and cooking as are calculated to prevent or control so far as practicable the emission of smoke or noxious gases).

Accommodation and ancillary equipment.

Access.

Prevention of danger and obstruction.

Section 4.

FIFTH SCHEDULE

PROCEDURE FOR DIRECTIONS UNDER SECTION 4

1. Before giving any direction under section four of this Act (in this Schedule referred to as a "direction"), the Secretary of State shall send to the applicant, the buildings authority and any other person appearing to him to be interested a copy of the direction as proposed to be given, with an intimation that any representations in writing with respect thereto may be made to the Secretary of State within twenty-one days after the date on which the copy has been sent.

2. Before giving the direction the Secretary of State shall consider any such representations received by him from any person to whom such a copy has been sent under the foregoing paragraph.

3. Before giving a direction the Secretary of State may, if he thinks fit, afford to the applicant, the buildings authority, or any other person appearing to him to be interested an opportunity of appearing before and being heard by a person appointed by him for the purpose.

4. The foregoing provisions of this Schedule shall apply to a refusal to give a direction as they apply to the giving of a direction, with the substitution for any reference to giving a direction of a reference to the refusal to give a direction, and with the substitution for any reference to a copy of the direction as proposed to be given of a reference to a statement of intention to refuse a direction.

5. The Secretary of State in giving, or refusing to give, a direction shall furnish a statement of the reasons for so doing, if requested, on or before the notification of such giving or refusal, to state the reasons.

5TH SCH.
—cont.

6. The Secretary of State shall send to the buildings authority and the Building Standards Advisory Committee a copy of any direction given or, as the case may be, an intimation of any refusal to give a direction.

SIXTH SCHEDULE

Sections 10, 11
and 13.

RECOVERY OF EXPENSES BY CHARGING ORDER

1. Where under sections ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works the local authority may make in favour of themselves an order (in this Schedule referred to as a "charging order") providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.

2. The annuity with which the land may be so charged shall be a sum of six pounds for every one hundred pounds of the amount of the expenses, and so in proportion for any part of one hundred pounds, and shall commence from the date of the order and be payable for a term of thirty years to the local authority.

3. A charging order shall become operative only in accordance with subsection (4) of section sixteen of this Act.

4. A charging order, on or after its becoming operative, shall be recorded in the appropriate register of sasines, and on its being so recorded the annuity specified in it shall be a charge on the land so specified and shall have priority over—

(a) all future burdens and incumbrances on the same land, and

(b) all existing burdens and incumbrances thereon except—

(i) feuduties, teinds, ground annuals, stipends and standard charges in lieu of stipends ;

(ii) any charge created or arising under any provision of the Public Health (Scotland) Act, 1897, or any Act amending that Act, the Housing (Scotland) Act, 1950, or any local enactment authorising a charge for recovery of expenses incurred by a local authority, or under this Schedule ; and

(iii) any charge created under any Act authorising advances of public money.

5. A charging order duly recorded in the appropriate register of sasines shall be conclusive evidence that the charge specified therein has been duly created in respect of the land specified in the order.

6. Every annuity charged by a charging order may be recovered by the person for the time being entitled to it by the same means and in the like manner in all respects as if it were feuduty.

6TH SCH.
—cont.

7. A charging order and all sums payable thereunder may be from time to time transferred in like manner as a bond and disposition in security and sums payable thereunder.

8. Any owner of or other person having an interest in land on which an annuity has been charged by a charging order shall at any time be at liberty to redeem the annuity on payment to the local authority or other person entitled thereto of such sum as may be agreed upon, or, in default of agreement, determined by the Secretary of State.

Section 13.

SEVENTH SCHEDULE

EVACUATION OF DANGEROUS BUILDINGS

1. For the purpose of securing the removal of any occupants from a building in the circumstances referred to in subsection (6) of section thirteen of this Act, the master of works shall give written notice to the occupants requiring them to remove from the building within such period as may be specified in the notice.

2. On the expiry of the period so specified the master of works may make a summary application to the sheriff for a warrant for the ejection of any such occupants who have not removed from the building or any part thereof, and the sheriff, after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the master of works bearing that the building is a source of immediate danger, or that an order has been made under section thirteen of this Act requiring the building to be demolished, shall grant warrant for ejection within such period, not being more than seven days from the date of presentation of the said application or, in the case where the sheriff has required additional notice, seven days from the date of service of that additional notice.

3. In all proceedings under this Schedule the production of a certificate under the hand of the master of works bearing that the building in question is in such a state as aforesaid, or that such an order as is mentioned in the last foregoing paragraph has been made in respect of the building, or that notice as aforesaid has been given by him to all known occupants of the building, shall be sufficient evidence of the facts stated in the certificate.

4. The decision of the sheriff on any application by a master of works under this Schedule shall be final and not subject to review.

5. Where any person removed or ejected from a building under this Schedule is the tenant of the building, his tenancy shall, if he so elects and notwithstanding the removal or ejection, be deemed not to have terminated, varied or altered by reason of his removal or ejection (except that rent shall not be payable by or exigible from him so long as he is not in occupation of the building or such part thereof as was previously occupied by him) and, on the building being rendered secure and the occupant resuming his occupation, the same terms and conditions shall in all respects, except in so far as otherwise agreed, apply in respect of such occupation as were applicable with respect thereto before the removal or ejection of the occupant.

EIGHTH SCHEDULE
TRANSITIONAL PROVISIONS

Section 27.

1. For the purposes of sections six, ten and eighteen of this Act any approval granted before the commencement of this Act for the construction, demolition or alteration of the use of a building shall have effect as if it were a warrant granted for the construction, demolition or change of use, as the case may be, of the building by a buildings authority under the said section six:

Provided that in exercising their functions under subsection (7) of the said section six in relation to such an approval the buildings authority shall have regard to the previous regulations in lieu of the building standards regulations, except where any provision of the building standards regulations corresponds to, but is less onerous than, a provision of the previous regulations.

2. In the application of section four of this Act—

- (a) to a building for the construction of which an application for approval has been made, and not disposed of, before the commencement of this Act, and
- (b) to a building for the construction of which an approval was granted, but which has not been completed, before the commencement of this Act,

there shall be substituted for any reference therein to the building standards regulations a reference to the previous regulations.

3. Section nine of this Act shall apply in relation to a building for the construction of which approval was obtained before the commencement of this Act as it applies in relation to a building in respect of the construction of which a warrant under section six of this Act has been granted by a buildings authority, with the substitution for the reference in subsection (2) thereof to the conditions on which the relative warrant under section six of this Act was granted, of a reference to the conditions, if any, on which the relative approval was granted:

Provided that—

- (i) where the relative approval is not subject to a condition requiring the building to conform to previous regulations it shall be deemed for the purposes of this paragraph to be subject to a condition to that effect; and
- (ii) if in any respect the completed building conforms to a provision of the building standards regulations which corresponds to, but is less onerous than, any condition on which the said approval was granted, the buildings authority (or, as the case may be, the clerk of the buildings authority or the master of works) shall in exercising their functions under the said section nine in relation to that building have regard to that provision in lieu of that condition.

4. Any application for approval for the construction, demolition or alteration of the use of a building, being an application made to a dean of guild court, and not disposed of, before the commencement of this Act, shall be treated as an application to that court (as a buildings authority) for a warrant under section six of this Act; and any such application made to a local authority, and not disposed of, before the commencement of this Act shall be transferred in such

8TH SCH.
—cont.

manner as may be prescribed to the buildings authority for the burgh or, as the case may be, the landward area of the county, and shall be treated as an application to the buildings authority for a warrant under section six of this Act :

Provided that in relation to a building which is the subject of any such application (and in particular in exercising their functions under subsections (2), (3), (4), (5) and (7) of section six of this Act) the buildings authority shall have regard to the previous regulations in lieu of the building standards regulations, except where any provision of the building standards regulations corresponds to, but is less onerous than, a provision of the previous regulations.

5. Without prejudice to section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) nothing in this Act shall affect any proceedings for the demolition of a building, being proceedings begun before the commencement of this Act under any enactment repealed by this Act.

6. The Secretary of State may by regulations, made after consultation with such bodies as appear to him to be representative of local authorities, provide for the handing over, or otherwise making available, to any buildings authority (not being a dean of guild court) of such records as may be specified in the regulations, being records held by the local authority in connection with the exercise by them of functions corresponding to functions conferred by this Act on the buildings authority.

7. In this Schedule—

“approval” means approval, warrant, consent or any other authorisation granted by—

(a) a dean of guild court on a petition under section one hundred and sixty-six of the Burgh Police (Scotland) Act, 1892, or any corresponding provision of a local Act, or

(b) a local authority on an application under bye-laws having effect by virtue of the Housing, Town Planning, etc. (Scotland) Act, 1919, or under any corresponding provision of a local Act ;

“previous regulations”, in relation to any building, means any statutory enactments, bye-laws, rules and regulations or other provisions relating to building construction, under whatever authority made, which, apart from this Act, would have been applicable to the building, but subject to any direction made in relation to the building under section four of this Act as extended by paragraph 2 of this Schedule.

NINTH SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1. In the Turnpike Roads (Scotland) Act, 1831 (as set out in Schedule C to the Roads and Bridges (Scotland) Act, 1878), section eighty-seven shall have effect as if for the proviso to that section there were substituted the following proviso, that is to say—

“Provided that nothing in this section shall apply to any materials laid or left upon any road or any footpath or side

drain or ditch of such road in pursuance of a permission granted under section eight of the Building (Scotland) Act, 1959.”

9TH SCH.
—cont.

2. In the Burgh Police (Scotland) Act, 1892, in section two hundred and seven, there shall be inserted after the word “fees” where it first occurs the words “in respect of any business of the court which is not conjoined with business relating to the functions of the court under the Building (Scotland) Act, 1959”.

3. In the Burgh Police (Scotland) Act, 1903—

(a) for section twenty-nine there shall be substituted the following section—

“29. Every person who occupies any portion of a street for the purpose of depositing building materials or otherwise in connection with operations for constructing, extending, demolishing, maintaining, altering or repairing any building without permission under section eight of the Building (Scotland) Act, 1959, or otherwise than in accordance with such permission (including the conditions, if any, to which the permission is subject), or continues such occupation beyond the period permitted, shall for every such offence be liable to a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day while such default is continued.”

(b) in section thirty-seven, after the words “dean of guild court” there shall be inserted the words “in respect of any business of the court which is not conjoined with business relating to the functions of the court under the Building (Scotland) Act, 1959”.

4. In the Restriction of Ribbon Development Act, 1935, for section seventeen there shall be substituted the following section, that is to say—

“17.—(1) A buildings authority within the meaning of the Building (Scotland) Act, 1959, may refuse to grant a warrant under section six of that Act for the erection of a new building, which, if erected in accordance with the plans, specifications and other information submitted with the application for the warrant, would be a building to which this section applies, if they are not satisfied that the said plans, specifications and other information show that provision will be made for such means of entrance and egress, and of such accommodation for the loading and unloading of vehicles or picking up and setting down of passengers, or the fuelling of vehicles, as may seem necessary to the buildings authority for preventing or limiting interference with traffic:

Provided that—

(a) the buildings authority shall, as soon as may be after such application is made, consult the highway authority or such officer of the highway authority as may be nominated by them for the purpose and the chief

9TH SCH.
—cont.

officer of police for the district, and the power conferred by this section shall not be exercised except after such consultation as aforesaid ;

- (b) this subsection shall not apply in a case where the buildings authority are satisfied that either—
- (i) the character of the new building is such as not to be likely to cause increased vehicular traffic along any road adjacent thereto ; or
 - (ii) satisfactory arrangements have been, or will be, made for limiting interference with the traffic along such road.

(2) This section applies to any building whereof the external or containing walls contain a space of not less than two hundred and fifty thousand cubic feet measured in accordance with directions given by the Secretary of State, and to any place of public resort, refreshment house, station for public service vehicles, petrol filling station or garage used or to be used in connection with any trade or business ; and in this section the expression “the erection of a new building” includes the following operations, that is to say,—

- (a) the re-erection, wholly or partially, of any building of which an outer wall is pulled down or burnt down to or within ten feet of the surface of the ground adjoining the lowest storey of the building, and of any frame building so far pulled down or burnt down as to leave only the framework of the lowest storey ;
- (b) the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling house of a building originally constructed as one dwelling house only ;
- (c) the re-conversion into a dwelling house of any building which has been discontinued as, or appropriated for any purpose other than that of, a dwelling house ;
- (d) the making of any addition to an existing building by raising any part of the roof, by altering a wall, or making any projection from the building, but so far as regards the addition only ; and
- (e) the roofing or covering over of an open space between walls or buildings”.

and subsections (5) and (10) of section twenty-five of the said Act of 1935 shall cease to have effect.

5. In the Water (Scotland) Act, 1946, in section fifty-three, in subsection (1), for the words “the local authority, or in the case of a burgh having a dean of guild court, to the satisfaction of the dean of guild court” there shall be substituted the words “the buildings authority (within the meaning of the Building (Scotland) Act, 1959)” ; and for the words “the local authority or the dean of guild court, as the case may be” there shall be substituted the words “the buildings authority”.

6.—(1) In the Thermal Insulation (Industrial Buildings) Act, 1957, for section two (as set out, in its application to Scotland, in subsection (3) of section twelve of that Act) there shall be substituted the following section—

“ 2. Where application is made to a buildings authority for a warrant under section six of the Building (Scotland) Act, 1959, for the erection of an industrial building the buildings authority shall not grant the warrant unless they are satisfied that the plans and other information submitted with the application show that the building when erected will conform to the prescribed standard.”

(2) For subsection (1) of section three of the said Act of 1957 there shall be substituted the following subsection, that is to say—

“ (1) The Minister may by regulations direct that a buildings authority shall for the purposes of this Act refuse to grant a warrant under section six of the Building (Scotland) Act, 1959, for the erection of an industrial building if the plans or other information submitted with the application for the warrant show that conformity, in the case of that building, to the prescribed standard will depend (wholly or to a substantial extent) upon the use, in the construction thereof, of materials of a kind specified in the regulations which do not conform to such standard of resistance to the spread of flame as may be specified or described in the regulations, unless the plans or other information also show that the materials will be used in such a way as not to enhance the risk of fire's breaking out or spreading in the building.” ;

and subsection (4) of section twelve of that Act shall cease to have effect.

(3) In subsection (3) of section four of the said Act of 1957 (as set out, in its application to Scotland, in subsection (5) of section twelve of that Act) any reference to a dean of guild court shall include a reference to a buildings authority within the meaning of the Building (Scotland) Act, 1959.

(4) For section seven of the said Act of 1957 there shall be substituted the following section, that is to say—

“ 7.—(1) The Minister may by regulations exempt from the provisions of sections two to five of this Act buildings or extensions of such classes as may be specified in the regulations.

(2) If it appears to the Minister, on application made to him in relation to any building, or extension of a building, that it is inexpedient that the provisions of sections two to five of this Act should apply to that building or, as the case may be, that extension, he may direct that those provisions shall not apply to that building or, as the case may be, that extension.

(3) The provisions of the Fifth Schedule to the Building (Scotland) Act, 1959, shall have effect as respects the procedure to be followed in connection with directions under the last foregoing subsection as they have effect as respects the procedure to be followed in connection with directions under section four of that Act, with the substitution for any reference to the Secretary of State of a reference to the Minister.” ;

and subsection (7) of section twelve of the said Act of 1957 shall cease to have effect.

Section 31.

TENTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	* Extent of Repeal
3 & 4 Vict. c. 85.	The Chimney Sweepers Act, 1840.	Section six.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	In section one hundred and fifty-two, the words from "and no dwelling-house" to the words "each side thereof", from the words "where any road or street" to the words "and provided also that" and from the words "but in no case shall" to the end of the section; section one hundred and sixty-one; in section one hundred and sixty-four from the words "The owner" where they first occur to the words "adjacent sewer or drain; and"; sections one hundred and sixty-six and one hundred and sixty-seven; sections one hundred and seventy to one hundred and seventy-four; sections one hundred and seventy-six to one hundred and eighty-five; section one hundred and eighty-seven; in section one hundred and ninety, the words "building hoarding or", the word "repair", the words "building or", and the words "hoarding or"; sections one hundred and ninety-one to two hundred; in section two hundred and one the words "new buildings or alterations of existing buildings, ventilation and", the words "buildings and", and the words from "and also in reference" to "before occupation"; in section two hundred and seven the words "prosecutor in the Dean of Guild Court", the words "master of works or" and the words from "and in the event of" to the end of the section; sections two hundred and eight and two hundred and nine; in section two hundred and twenty-nine the words "and drains"; sections two hundred and thirty-eight to two hundred and forty-one; in section two hundred and forty-four the

Session and Chapter	Short Title	Extent of Repeal
55 & 56 Vict. c. 55—cont.	The Burgh Police (Scotland) Act, 1892—cont.	words from “ If such drain ” to “ this Act, or”, the words “ construct, rebuild or”, and the words “ drain or ” wherever they occur; sections two hundred and forty-five and two hundred and forty-six; sections two hundred and fifty-one and two hundred and fifty-two; in section two hundred and fifty-three the words from “ The situation ” to “ Provided further that ”; in section two hundred and fifty-six from the words “ The Commissioners ” where they first occur to “ order on him, and ”; the Fourth Schedule.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section twenty-nine from the words “ and the local authority ” to the end of the section; in section one hundred and fifteen the words “ and drains ”; sections one hundred and eighty-one and one hundred and eighty-two.
3 Edw. 7. c. 33.	The Burgh Police (Scotland) Act, 1903.	Sections twenty-six to twenty-eight; sections thirty-two to thirty-four; in section thirty-five, the words “ or building ”; section thirty-eight; in section thirty-nine, the words “ and the erection or alteration of buildings and the open space adjoining buildings ”; section forty; in section forty-one, in subsection (1) the words “ or erect or begin to erect any house or building ”, the words “ or erection ”, the words from “ or alter add to ” to “ houses or occupants ”; in subsection (3) the words from “ or the closing ” to “ or part thereof ”; in section sixty-one, in subsection (1) the words from “ and no dwelling-house ” to “ greater height ”; in subsection (2) the proviso, subsection (3), and subsection (5); in subsection (6) from the words “ and that the words ” to the words “ be in proportion ”; section sixty-two; section sixty-three; section sixty-six; sections sixty-nine to seventy-five; in section ninety-three, paragraphs (1) to (5), (7) to (10) and (13); in

10TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
3 Edw. 7. c. 33 —cont.	The Burgh Police (Scotland) Act, 1903—cont.	section one hundred and three, in subsection (12) paragraph (b), in paragraph (c) the words “form, construction, sanitary requirements or”, paragraphs (d),(f) and (k), and in paragraph (m) the words “or construction or alteration of buildings”; in section one hundred and four, in subsection (2), paragraphs (i) to (m).
9 & 10 Geo. 5. c. 60.	The Housing, Town Planning, etc. (Scotland) Act, 1919.	Section forty-three.
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	In section twenty-five, subsections (5) and (10).
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act, 1946.	In section fifty-three, in subsection (2), the words from “with a sink” to the end of the subsection; in section fifty-four, in subsection (1), the words from “and to fit up” to “foul water”
10 & 11 Geo. 6. c. 39.	The Statistics of Trade Act, 1947.	Sections fourteen and eighteen.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Section three hundred and twenty-five.
14 Geo. 6. c. 34	The Housing (Scotland) Act, 1950.	Subsection (2) of section three hundred and seventy-seven.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act, 1955.	Section five; section twenty-three; section one hundred and forty-five; in section one hundred and fifty, in subsection (1), the words “new buildings are constructed or”, and the words “the new buildings and”, in subsection (2) the words “the erection therein of buildings and”, in subsection (3) the words “for the construction of buildings or”; in section one hundred and fifty-one, the words “or buildings”; section one hundred and eighty.
4 & 5 Eliz. 2. c. 52.	The Clean Air Act, 1956.	Section seventeen.
5 & 6 Eliz. 2. c. 40.	The Thermal Insulation (Industrial Buildings) Act, 1957.	Section twenty-four.
		In section twelve, subsections (4) and (7).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Turnpike Roads (Scotland) Act, 1831	1 & 2 Will. 4. c. 43.
Roads and Bridges (Scotland) Act, 1878	41 & 42 Vict. c. 51.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Burgh Police (Scotland) Act, 1892	55 & 56 Vict. c. 55.
Public Health (Scotland) Act, 1897	60 & 61 Vict. c. 38.
Burgh Police (Scotland) Act, 1903	3 Edw. 7. c. 33.
Ancient Monuments Consolidation and Amend- ment Act, 1913	3 & 4 Geo. 5. c. 32.
Housing, Town Planning, etc. (Scotland) Act, 1919	9 & 10 Geo. 5. c. 60.
Reservoirs (Safety Provisions) Act, 1930	20 & 21 Geo. 5. c. 51.
Ancient Monuments Act, 1931	21 & 22 Geo. 5. c. 16.
Restriction of Ribbon Development Act, 1935 ...	25 & 26 Geo. 5. c. 47.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Water (Scotland) Act, 1946... ..	9 & 10 Geo. 6. c. 42.
Statistics of Trade Act, 1947	10 & 11 Geo. 6. c. 39.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Historic Buildings and Ancient Monuments Act, 1953... ..	1 & 2 Eliz. 2. c. 49.
Thermal Insulation (Industrial Buildings) Act, 1957	5 & 6 Eliz. 2. c. 40.

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