

SCHEDULES

NINTH SCHEDULE

Section 31.

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.”
- 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

Status: This is the original version (as it was originally enacted).

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 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 reconversion 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.