



Building (Scotland) Act 2003

2003 asp 8

PART 3

COMPLIANCE AND ENFORCEMENT

26 Continuing requirement enforcement notices

- (1) This section applies where it appears to a local authority that the owner of a building is failing to comply with a continuing requirement imposed on the owner—
 - (a) by building regulations by virtue of section 2, or
 - (b) by a verifier under section 22.
- (2) Where this section applies, the local authority may serve on the owner of the building a notice (a “continuing requirement enforcement notice”)—
 - (a) specifying the continuing requirement in question,
 - (b) requiring the owner to take, by such date (not less than 28 days after the date on which the notice takes effect) as the notice may specify, such steps as the notice may specify for the purpose of complying with the continuing requirement,
 - (c) specifying the date on which the notice is to take effect.
- (3) If, by the date specified under subsection (2)(b) (or such later date as may have been substituted under subsection (5)(b)), the owner has not complied with the notice—
 - (a) the owner is guilty of an offence, and
 - (b) the authority may carry out such work as is necessary to comply with the notice and may recover from the owner any expenses reasonably incurred by it in doing so.
- (4) After the completion of such work the local authority must register in the building standards register a completion certificate certifying that the work has been completed in accordance with the notice in question.
- (5) The local authority may—
 - (a) withdraw a continuing requirement enforcement notice,
 - (b) waive or relax any requirement of such a notice, including substituting a later date for the date specified under subsection (2)(b),

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 26. (See end of Document for details)

whether or not the notice has taken effect.

- (6) The withdrawal of a continuing requirement enforcement notice does not affect the power of the local authority to issue a further such notice.

Commencement Information

II [S. 26](#) in force at 1.5.2005 by [S.S.I. 2004/404](#), [art. 2\(1\)](#)

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