



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Imposition of continuing requirements by verifiers*

#### **22 Imposition of continuing requirements by verifiers**

- (1) Subsection (2) applies where a verifier—
  - (a) grants, or makes an amendment to, a building warrant (other than a warrant for demolition), or
  - (b) accepts a completion certificate submitted under section 17(4),  
in respect of any building.
- (2) Where the verifier considers it necessary to do so for securing that the purposes of any provision of building regulations are not frustrated, the verifier must, on granting or making the amendment to the building warrant or, as the case may be, accepting the completion certificate, impose on the owner of the building such continuing requirements (in addition to any imposed by virtue of section 2) in relation to the building as the verifier considers necessary for securing that matter.
- (3) Continuing requirements imposed under this section must state the provision of building regulations to which they relate.

#### **23 Discharge and variation of continuing requirements imposed by verifiers**

- (1) A verifier must—
  - (a) on an application made to it for discharge of a continuing requirement imposed under section 22, discharge the continuing requirement if satisfied that—
    - (i) the building in relation to which the requirement was imposed complies with building regulations (as they apply at the time of the application), and
    - (ii) the requirement is no longer necessary for securing that the purposes of the provision of building regulations to which it relates are not frustrated,

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*Status: This is the original version (as it was originally enacted).*

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- (b) on an application made to it for variation of a continuing requirement imposed under that section, make the variation if satisfied that—
  - (i) the building in relation to which the requirement was imposed complies with building regulations (as they apply at the time of the application), and
  - (ii) the variation will not result in the purposes of the provision of building regulations to which the requirement relates being frustrated.
- (2) References in this Act to continuing requirements imposed under section 22 include such requirements as varied under this section.
- (3) Continuing requirements imposed in relation to a building under section 22 cease to have effect if—
  - (a) a building warrant is granted in respect of the building, or
  - (b) a completion certificate submitted under section 17(4) in respect of the building is accepted.
- (4) Subsection (3) does not affect the power of the verifier to impose further continuing requirements in relation to the building under section 22 on granting the building warrant or, as the case may be, accepting the completion certificate referred to in subsection (3).