



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Verifiers and certifiers*

#### 7 Verifiers and certifiers

- (1) For the purposes of this Act the Scottish Ministers may appoint persons (whether individuals or bodies corporate or unincorporate and including public bodies and office-holders) as—
  - (a) verifiers,
  - (b) approved certifiers of design,
  - (c) approved certifiers of construction.
- (2) The Scottish Ministers may approve schemes in accordance with which persons (whether individuals or bodies corporate or unincorporate) who are for the time being members of the schemes are entitled to exercise for the purposes of this Act the functions of (either or both)—
  - (a) an approved certifier of design,
  - (b) an approved certifier of construction,and references in this Act to approved certifiers of design or approved certifiers of construction include (unless the context requires otherwise) any persons who are by virtue of their membership of any such scheme entitled to exercise the functions of such certifiers.
- (3) The Scottish Ministers may—
  - (a) approve any such scheme subject to such limitations as they may impose, which may be framed by reference to area, description of building, cost of building or building work or any other factor whatsoever,
  - (b) withdraw any approval given under subsection (2).
- (4) The Scottish Ministers must keep lists of verifiers, approved certifiers of design and approved certifiers of construction.

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 7. (See end of Document for details)*

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- (5) Such lists must, in relation to each verifier, approved certifier of design and approved certifier of construction, contain details of the matters in respect of which that verifier or certifier is authorised to exercise functions under this Act (including details of any limitations imposed on that verifier’s or certifier’s appointment under paragraph 2 of schedule 2 and, in the case of a certifier referred to in paragraph 4 of that schedule, any limitations referred to in that paragraph).
- (6) The Scottish Ministers must make the lists available for public inspection at all reasonable times.
- (7) The Scottish Ministers may exercise the functions of a verifier under this Act to the extent, and in the circumstances, specified in a direction given by them; and references in this Act (other than schedule 2) to a verifier are to be construed accordingly.
- (8) The Scottish Ministers may, in any of the circumstances specified in subsection (9), direct a verifier to refer to them—
- (a) any application specified in the direction, being an application made to the verifier under section 9 for a building warrant or an amendment to a building warrant and not determined by the verifier as at the date of the direction,
  - (b) any completion certificate specified in the direction, being a completion certificate submitted to the verifier under section 17 and not accepted or rejected by the verifier as at that date,
- and the Scottish Ministers, instead of the verifier, may exercise the functions of a verifier under this Act in relation to any such application or certificate.
- (9) The circumstances referred to in subsection (8) are where—
- (a) the verifier requests the Scottish Ministers to issue the direction, or
  - (b) the Scottish Ministers consider that the verifier is incapable for any reason of exercising the functions of a verifier under this Act in relation to the application or, as the case may be, completion certificate specified in the direction.
- (10) The Scottish Ministers may give verifiers directions of a general or specific character as to the exercise of their functions under this Act.
- (11) Such directions may be given to all verifiers, to a particular verifier or to verifiers of a particular description.
- (12) Schedule 2 makes further provision about verifiers, approved certifiers of design and approved certifiers of construction.

#### **Commencement Information**

**I1** S. 7(1)-(3)(10) in force at 4.11.2004 by S.S.I. 2004/404, art. 2(3), Sch. 2

**I2** S. 7(4)-(9)(11) in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

**I3** S. 7(12) in force at 22.9.2004 for specified purposes by S.S.I. 2004/404, art. 2(1)-(3), Schs. 1, 2

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 7.