
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 428

The Building (Procedure) (Scotland) Regulations 2004

PART IV

**APPLICATION TO SCOTTISH MINISTERS FOR A
DIRECTION IN RELATION TO A PARTICULAR BUILDING**

Application of this Part

21. The provisions of this Part shall apply to an application under section 3(2)(a) of the Act to the Scottish Ministers for a direction in relation to a particular building.

Making of an application for direction

22.—(1) An application for a direction shall be made by submitting to the Scottish Ministers an application in writing signed by the applicant or a duly authorised agent and accompanied by such plans as are necessary to show the details of the part of the application for which provision a direction is sought and the relationship of the direction to the building as a whole together with where the submitting is by other than electronic communication a copy of the said application and plans by the applicant or a duly authorised agent.

(2) The applicant shall if required by the Scottish Ministers—

- (a) submit to them such further information as the Scottish Ministers may direct; and
- (b) obtain at the applicant's expense and submit to the Scottish Ministers the results of such tests as the Scottish Ministers may direct are to be undertaken.

Application for building warrant

23. Where the building to which the application in this Part relates is the subject of an application for a building warrant under section 9 of the Act (“the subject warrant application”)—

- (a) the Scottish Ministers may require the applicant for a direction to send to them a copy of the subject warrant application and the plans submitted therewith for the purposes of inspection only; and
- (b) the application for a direction shall not be accepted if it is submitted on or after the date of acceptance of a completion certificate in accordance with section 18 of the Act in respect of the work or conversion to which the subject warrant application relates.

Intimation

24. In the event that the Scottish Ministers determine not to give a direction they shall notify the applicant of their determination and of the reasons therefor.