

## SCHEDULES

### SCHEDULE 15

Section 134.

#### AMENDMENT OF ENACTMENTS RELATING TO BUILDING

#### PART I

##### *The Building (Scotland) Act 1959*

- 1 For any reference to a buildings authority there shall be substituted a reference to a local authority.
- 2 Section 1 (constitution of buildings authorities) shall cease to have effect.
- 3 In section 2 (general provisions relating to buildings authorities)—
  - (a) subsections (1) to (3) shall cease to have effect;
  - (b) for subsection (4) there shall be substituted the following subsection—

“(4) The Secretary of State may by regulations make provision with respect to the procedure of local authorities in the exercise of their jurisdiction and functions under this Act; and such regulations may in particular provide for the matters specified in Schedule 3 to this Act.”.
- 4 In section 4 (relaxation of building standards regulations), in the proviso to subsection (2) for the words from " shall " to the end there shall be substituted the words " may except applications of any description ".
- 5 In section 6 (application of building standards regulations and building operations regulations to construction or demolition, and to change of use, of buildings) subsection (8)(a) and, in subsection (9), the words " or (b) by a local authority to demolish any building " shall cease to have effect.
- 6 Section 7 (minor works) shall cease to have effect.
- 7 In section 8 (occupation of parts of roads for deposit of materials etc.) subsection (3) shall cease to have effect.
- 8 In section 9 (certificates of completion) subsections (7) and (8) shall cease to have effect.
- 9 In section 10 (powers in relation to buildings constructed without warrant or in contravention of conditions of warrant, and buildings whose life has expired)—
  - (a) for any reference to a master of works there shall be substituted a reference to a local authority ;
  - (b) in subsection (2), for the words "buildings authority may authorise the local authority to " there shall be substituted the words " local authority may " and the words " and the local authority shall thereupon be entitled to act accordingly " shall cease to have effect.

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*Status: This is the original version (as it was originally enacted).*

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- 10 In section 13 (action to be taken in respect of buildings found to be dangerous)—
- (a) in subsection (1) for any reference to a master of works there shall be substituted a reference to a local authority;
  - (b) in subsection (2) for the words after " that paragraph " there shall be substituted the words " the local authority, after giving the owner and any other person appearing to them to have an interest an opportunity to be heard, may make an order requiring the owner to execute the said operations within such period as shall be stated in the order. ";
  - (c) for subsection (4) there shall be substituted the following subsection—
    - “(4) If an order under subsection (2) above is not duly complied with, the local authority may execute the operations which the owner has failed to execute or demolish the building.”;
  - (d) in subsection (5) for the words from "or a" to "his functions" there shall be substituted the words " in executing their functions ".
- 11 In section 14 (power of local authorities to sell materials from demolished buildings) for the words from " master of works " to "authority may" there shall be substituted the words " local authority acting under section 13(1)(b) or (4) of this Act, they may ".
- 12 In section 18 (inspection and tests)—
- (a) in subsection (1)—
    - (i) for the words between " this section" and " on exhibiting" there shall be substituted the words " any person authorised in writing by a local authority ",
    - (ii) in paragraphs (c) and (d) for the words " master of works" there shall be substituted the words " local authority ",
    - (iii) for paragraph (e) there shall be substituted the following paragraphs—
      - “(e) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section 11 of this Act; or
      - (f) executing any operations under section 10, 11 or 13 of this Act.”;
  - (b) subsection (2) shall cease to have effect;
  - (c) in subsection (3) for the words "thereof, or by virtue of subsection (2) of this section " there shall be substituted the words " (e) or (f) thereof ";
  - (d) in subsection (4) the words "the buildings authority or" where they first occur and the words " or (2)" shall cease to have effect, and for the words " buildings authority or local authority as the case may be" there shall be substituted the words " local authority ";
  - (e) in subsection (7) the words " or subsection (2)" shall cease to have effect;
  - (f) in subsection (10), for the words " master of works " and " him " there shall be substituted respectively the words " local authority " and " them ", and for the proviso there shall be substituted the following proviso—
    - “Provided that the local authority, on application made to them, may if they think fit meet the expense of carrying out any such test as aforesaid or any part of that expense.”.

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- 13 Section 20(2) (fees chargeable by buildings authorities) shall cease to have effect.
- 14 Section 21 (provisions as to master of works) shall cease to have effect.
- 15 In section 23 (inquiries) for subsection (2) there shall be substituted the following subsection—
- “(2) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 shall apply to any inquiry held under this section as they apply to the inquiries specified in the said section 210.”
- 16 In section 25 (service of notices etc.)—
- (a) in subsection (1) for the words " three hundred and forty-nine of the Local Government (Scotland) Act 1947 " there shall be substituted the words " 192'of the Local Government (Scotland) Act 1973 ";
- (b) in subsections (2) and (3) the words " a buildings authority or " shall cease to have effect.
- 17 Section 27 and Schedule 8 (transitional provisions) shall cease to have effect.
- 18 In section 29 (interpretation)—
- (a) in subsection (1) the definitions of " buildings authority ", " burgh ", " landward area " and " master of works " shall cease to have effect and for the definition of " local authority" there shall be substituted the following definition—
- “" local authority " means the council of an islands area or district, except that in the case of a district situated within the Highland, Borders or Dumfries and Galloway region it means the council of that region ;”;
- (b) in subsection (4) for the words " a county council or a town council" there shall be substituted the words " or a local highway authority ";
- (c) subsections (6) and (7) shall cease to have effect;
- (d) in subsection (8) the words " two or more buildings authorities or " and the words " such one of those buildings authorities or, as the case may be " shall cease to have effect;
- (e) subsection (9) shall cease to have effect.
- 19 In section 30(1) (local Act provisions), the proviso shall cease to have effect.
- 20 Schedule 1 (enactments relating to dean of guild court functions unaffected by the Act of 1959) shall cease to have effect.
- 21 Schedule 2 (provisions relating to buildings authorities which are not dean of guild courts) shall cease to have effect.
- 22 In Schedule 6 (recovery of expenses by charging order) in paragraph 1 the words " or a master of works " shall cease to have effect.
- 23 In Schedule 7 (evacuation of dangerous buildings)—
- (a) for the second reference to the master of works in paragraph 2 and for the reference to the master of works in paragraph 3 there shall be substituted a reference to the proper officer of the local authority ;
- (b) for any other reference to a master of works there shall be substituted a reference to a local authority.
- 24 In Schedule 9 (minor and consequential amendments) paragraphs 2 and 3 shall cease to have effect.

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## PART II

### OTHER ENACTMENTS

- 25 In the Restriction of Ribbon Development Act 1935, in section 17(1) for any reference to a buildings authority there shall be substituted a reference to a local authority.
- 26 In the Civil Defence Act 1939, in section 33 as applied to Scotland by section 91(14) of that Act, for any reference to a buildings authority or a buildings authority within the meaning of the Building (Scotland) Act 1959 there shall be substituted a reference to a local authority, and in the said section 33 " local authority " means a local authority within the meaning of the Building (Scotland) Act 1959.
- 27 In the Water (Scotland) Act 1946, in section 53 (provision of water supply for new buildings and houses)—
- (a) in subsection (1) for the words "buildings authority (within the meaning of the Building (Scotland) Act 1959)" and " buildings authority " there shall be substituted the words " local authority ";
  - (b) at the end there shall be added the following subsection—
 

“(6) In this section " local authority" has the same meaning as in the Building (Scotland) Act 1959.”
- 28 In the Clean Air Act 1956, in section 10(5)(b) for the words " buildings authority " there shall be substituted the words " local authority ".
- 29 In the Thermal Insulation (Industrial Buildings) Act 1957—
- (a) in section 12(2) (application to Scotland) for the words from "in a burgh" to the end there shall be substituted the words " the local authority within the meaning of the Building (Scotland) Act 1959 ";
  - (b) in sections 2 and 3(1) (as set out in their application to Scotland in sub-paragraphs (1) and (2) respectively of paragraph 6 of Schedule 9 to the Building (Scotland) Act 1959), for the words " buildings authority " there shall be substituted the words " local authority ";
  - (c) in section 4(3) (as set out in its application to Scotland in subsection (5) of section 12 and as amended by sub-paragraph (3) of paragraph 6 of the said Schedule 9), for the reference to the dean of guild court and a buildings authority there shall be substituted a reference to the local authority and the words " or, as the case may be, the plans of the building were approved by the local authority " shall cease to have effect;
  - (d) in section 8(1) (as set out in its application to Scotland in subsection (8) of section 12), for the words from " sections three hundred " to " 1947 " there shall be substituted the words " sections 192 and 193 of, and paragraph 7 of Schedule 7 to, the Local Government (Scotland) Act 1973 ".
- 30 In the Fire Precautions Act 1971, in section 17 (consultation by fire authorities)—
- (a) in subsection (1)(ii), for the word " buildings " there shall be substituted the word " local " , and the words " section 1 of" shall cease to have effect;
  - (b) in subsection (2), the words " or buildings authority " shall cease to have effect.