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SCOTTISH STATUTORY INSTRUMENTS

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**2004 No. 428**

**The Building (Procedure) (Scotland) Regulations 2004**

**PART VII**

**PROCEDURE RELATING TO CERTIFICATION  
OF DESIGN AND CONSTRUCTION**

**Maintenance of records by certifiers**

- 37.—(1) Records shall be maintained by—
- (a) approved certifiers of design and approved certifiers of construction in each case appointed under section 7(1) of the Act (“approved certifiers”);
  - (b) providers of schemes approved by the Scottish Ministers under section 7(2) of the Act;
  - (c) approved certifiers who are members of a scheme (“approved scheme certifiers”).
- (2) Records maintained by approved certifiers shall include information showing—
- (a) how compliance with the building regulations was established;
  - (b) the particulars of any complaints received; and
  - (c) the manner in which such complaints are dealt with.
- (3) Approved certifiers shall no later than 3 months after the date on which any record is first maintained by that certifier under paragraph (2) and, at 3 monthly intervals thereafter, prepare and submit to the Scottish Ministers a report of the matters recorded under paragraph (2).
- (4) Records maintained by scheme providers shall include information showing—
- (a) the particulars of all applications for membership of certification schemes received;
  - (b) the manner in which such applications are determined;
  - (c) the basis on which any applications are rejected;
  - (d) the particulars of any complaints received;
  - (e) the manner in which complaints are dealt with; and
  - (f) any terminations of membership of the scheme and the reasons therefor.
- (5) Scheme providers shall no later than 7 days after the date on which any record is first maintained by that provider under paragraph (4), and at weekly intervals thereafter, prepare and submit to the Scottish Ministers a report of the matters recorded under paragraph (4).
- (6) Records maintained by approved scheme certifiers shall include information showing—
- (a) a record of each certificate that that scheme certifier issues, including the date signed, name of verifier to whom the application for building warrant or completion certificate is submitted, address of the project and registration numbers of the person or persons signing the certificate; and
  - (b) how compliance with the building regulations was established.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(7) Approved scheme certifiers must supply to the scheme provider the information recorded by them under paragraph (6)(a).

(8) Scheme providers shall at 3 monthly intervals prepare and submit to the Scottish Ministers a report of the matters supplied to them under paragraph (7).