
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 428

The Building (Procedure) (Scotland) Regulations 2004

PART VII

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

Removal of verifiers and certifiers

38.—(1) For the purposes of paragraph 3 of Schedule 2 to the Act the grounds on which an appointment as a verifier or certifier appointed under section 7(1) of the Act may be varied or terminated shall include—

- (a) the breach of any of the terms on which the appointment is held;
- (b) following changes to the building legislation failure on the part of the verifier or certifier to undertake relevant training, or
- (c) following an investigation in accordance with regulation 40 the issue of a report which in the opinion of the Scottish Ministers indicates that the verifier or certifier is not properly discharging its functions for the purposes of the Act.

(2) The Scottish Ministers shall not vary or terminate an appointment under section 7(1) of the Act without first giving the verifier or certifier notification of the proposed variation or termination and the reasons therefor and an opportunity to be heard and of making written representations, and the Scottish Ministers shall in any such case consider any oral or written representations so made by or on behalf of the verifier or certifier before determining whether to vary or terminate the appointment.