
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 428

The Building (Procedure) (Scotland) Regulations 2004

PART X

GENERAL PROCEDURE OF LOCAL AUTHORITIES AND VERIFIERS

Deemed determination

60.—(1) For the purposes of section 47(2) of the Act (which provides for a deemed determination by a verifier where a determination has not been made within such period as may be specified) the following periods are hereby specified.

(2) Subject to paragraph (7), in the case of an application for a building warrant or for amendment of a building warrant if a first report has not been issued in response to an application, a period of three months from the date of receipt of the application.

(3) Subject to paragraph (7), in the case of an application for a building warrant or for an amendment of a building warrant a period of nine months from the date of issue of the first report or such longer period as agreed between the applicant and the verifier.

(4) In the case of an application to extend the period for the demolition of a building intended to have a limited life a period of 1 month from the date of receipt of the application.

(5) In the case of a determination as to whether to accept or reject a completion certificate a period of 14 days from the date of submission of the certificate or such longer period if agreed between the applicant and the verifier except where submission of the completion certificate is under section 17 (4) of the Act in which case there is specified the same period as in paragraphs (2) and (3).

(6) In the case of an application for discharge or variation of a continuing requirement imposed under section 22 of the Act a period of one month from the date of receipt of the application.

(7) In calculating the periods specified in paragraphs (2) and (3) the following periods shall be disregarded—

- (a) where an application has been made to the Scottish Ministers under section 3 of the Act (relaxation of building regulations) and in the opinion of the verifier the application under section 3 relates directly to the building warrant application, the period between the date of the application under section 3 and the date of any direction given thereunder and
- (b) where the verifier invites comments on the application in accordance with regulation 10, the period between the date on which the application is sent to the relevant consultees and the date specified as that by which any comments must be received by the verifier.