

2006 No. 163

BUILDING AND BUILDINGS

The Building (Forms) (Scotland) Amendment Regulations 2006

Made - - - - - *21st March 2006*

Laid before the Scottish Parliament *22nd March 2006*

Coming into force - - - *1st May 2006*

The Scottish Ministers, in exercise of the powers conferred by section 36 of the Building (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the Building (Forms) (Scotland) Amendment Regulations 2006 and shall come into force on 1st May 2006.

Amendment of Regulations

2. In the Building (Forms) (Scotland) Regulations 2005(b) for the Schedule there is substituted the Schedule to these Regulations.

JOHANN MLAMONT
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st March 2006

(a) 2003 asp 8.
(b) S.S.I. 2005/172.

SCHEDULE

Regulation 2

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FORM 1

BUILDING WARRANT

Building (Scotland) Act 2003

Warrant under section 9 for work subject to building regulations

Grant of warrant

This warrant is granted by [name of verifier]
in connection with the application by [name of applicant or duly authorised agent]
dated
for [description of work]
at [address of building or site, including post code if known].

Reference number

The reference number of this building warrant is—

Conditions

The following conditions apply (choose relevant conditions from below)

[if the application is for the demolition of a building]*

that the work involved will be carried out in accordance with building regulations, and that from the date of commencement of work the demolition will be completed within [period of time]

[if the application is for the construction (erection, alteration or extension) of a building]*

that the work will be carried out as described in the building warrant and in accordance with building regulations and that nothing in any drawing, specification or other information submitted with the application indicates that the building when constructed will fail to comply with building regulations

[if the application is for the provision of services, fittings or equipment in or in connection with a building]*

that the work involved will be carried out as described in the building warrant and in accordance with building regulations and that nothing in any drawing, specification or other information submitted with the application indicates that the services, fittings or equipment will fail to comply with building regulations

[if the application is for the conversion of a building]*

that the conversion is made in accordance with the building warrant and that after the conversion the building as converted will comply with building regulations

Also, use the following conditions where applicable

[if the building is a limited-life building]*

that the building shall be demolished on or before the expiry of [] years from the relevant date. (see note 1)

[if the building warrant is to be granted subject to further information being provided for certain stages]*

that work on (the later stages – to be specified here) is not to proceed until such further information relating to that stage or stages as the verifier may require is submitted, and the verifier is satisfied with the information and has issued an amendment of building warrant. (see notes 2 and 3).

Continuing requirements

The following continuing requirement applies – (for each requirement, must state to which regulation and standard it is related).

Security matters

The following matters/documents are not to be available for public inspection without the applicant's written approval.

A copy of the agreed plans is returned

Signed

For (name of verifier)

Dated

*Delete as appropriate

Notes

1. To be considered as a limited-life building expiry must not be more than 5 years from the relevant date, which is the date of notification of acceptance of the completion certificate for the work, or the date of any permission for the temporary occupation or use of the building before acceptance of the completion certificate.

2. For construction, the stages specified in the procedure regulations are–

- (a) construction of foundations, or
- (b) such other stages as the verifier considers appropriate having regard to any guidance issued by the Scottish Ministers.

3. For demolition, the stages specified in the procedure regulations are–

- (a) isolation and removal of services, fixtures and fittings,
- (b) isolation and protection of adjacent structures, or
- (c) such other stages, appropriate to the method of demolition, as the verifier considers appropriate having regard to any guidance issued by the Scottish Ministers.

4. It should be noted that where the owner is not the applicant, then the verifier will notify the owner of the grant of the building warrant as is required in terms of section 9(7)(b) of the Building (Scotland) Act 2003.

Important notices

- (a) **This building warrant is valid for 3 years. A Completion Certificate must be submitted when the work is complete. If a completion certificate is not going to be submitted within the 3 year period, an extension of the duration of the warrant must be applied for before the original expiry date. For demolitions, an extension must be applied for if the period for demolition specified on the warrant will not end within the 3 year period.**

(b) The verifier must be notified

A of the date on which work is commenced within 7 days of such date

B when any drain has been laid and is ready for inspection or test (unless this work is covered by a certificate of construction)

C when a drain track has been in-filled and the drainage system is ready for a second inspection or test (unless this work is covered by a certificate of construction)

D of the date of completion of such other stages as the verifier may require, and

E of the intention to use an approved certifier of construction.

A above must be notification in writing. Other notifications are at the verifier's discretion.

WARNING

A building warrant does not exempt you from obtaining other types of permission that may be necessary, such as planning permission or listed building consent. Consult the local authority if in doubt.

It is an offence to use or occupy the building(s) before obtaining acceptance of a completion certificate, unless the work is alteration only.

FORM 2

AMENDMENT TO BUILDING WARRANT

Building (Scotland) Act 2003

Amendment under section 9 of a building warrant

This amendment of the building warrant detailed below is granted by–

[name of verifier]

in connection with the application for amendment by–

[name of applicant or duly authorised agent]

Reference number

The reference number of this amendment is–

Details of original building warrant

Date of building warrant–

Reference number of building warrant–

Address of building or site to which the building warrant applies – [Include post code if known]

Amendment(s) to building warrant

[brief description of the amendment]

[If amendment relates to a staged building warrant]

for which stages did the original building warrant require further detail?

To which of these stages does this amendment relate?

A copy of the plans showing this amendment are enclosed

Signed

for [name of verifier]

Dated

NOTE: Where the owner is not the applicant, then the verifier will notify the owner of the granting of the amendment to the building warrant as the verifier is required to do in terms of section 9(7)(b) of the Building (Scotland) Act 2003.

WARNING

Please note that approval of amendment of building warrant does not

- remove the need to obtain amended planning permission if that is required (consult the planning authority if in doubt)

- extend the period of validity of the building warrant.

FORM 3

EXTENSION OF PERIOD OF VALIDITY OF BUILDING WARRANT

Building (Procedure) (Scotland) Regulations 2004

Extension under regulation 19 of period of validity of a building warrant

This extension of the building warrant detailed below is granted by – [name of verifier]
in connection with the application by – [name of applicant or duly authorised agent]

Dated–

Signed

for [name of verifier]

Dated

Reference number

The reference number of this extension is–

Details of original building warrant

Date of building warrant–

Reference number of building warrant–

Address of building to which the building warrant applies – [Include post code if known]

Period of validity of original building warrant

Date of expiry

Extension of period of validity

Amended date of expiry–

Notes

1. A first extension of period of validity will be 9 months. Further extensions are at the discretion of the verifier.

WARNING

Please note that application to extend the period of validity must be made before expiry of the original building warrant, subject to the discretion of the verifier. The building regulations current at the date of application for the extension will be the ones against which the verifier will assess the application to extend the period of validity of the building warrant.

FORM 4

EXTENSION OF PERIOD OF USE OF LIMITED-LIFE BUILDING

Building (Scotland) Act 2003

Extension under section 14 of period of use of a limited-life building

This extension of the limited-life building warrant detailed below is granted by – [name of verifier]

in connection with the application for extension by – [name of applicant or duly authorised agent]

Dated

Signed

For [name of verifier]

Dated

Reference number

The reference number of this extension is–

Details of original limited-life building warrant

Date of building warrant–

Reference number of building warrant–

Address of building to which the building warrant applies – [Include post code if known]

Period of original limited-life building warrant

Date of expiry–

Extension of period of use of limited-life building

Amended date of expiry

Note

1. A first extension of period of validity, and any further extensions are at the discretion of the verifier.

WARNING

Please note that application to extend the period of validity must be made before expiry of the original building warrant, subject to the discretion of the verifier.

FORM 5

COMPLETION CERTIFICATE – SUBMISSION

Building (Scotland) Act 2003

Submission under section 17(1) and (7) of a completion certificate

Relevant person (see below)

Name

Address

Post Code

Tel No

Fax No

E-mail (where available)

Relevant person

The completion certificate must be submitted by the relevant person as defined by the Building (Scotland) Act 2003, that is–

- (a) where the work was carried out, or the conversion made, otherwise than on behalf of another person, the person who carried out the work or made the conversion
- (b) where the work was carried out, or the conversion made, by a person on behalf of another person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person required by these paragraphs to submit the completion certificate has failed to do so, the owner.

Duly authorised Agent (if any)

Name

Address

Post Code

Tel No

Fax No

E-mail (where available)

Owner (if different from relevant person) (see note 1)

Name

Address

Post Code

Tel No

Fax No

E-mail (where available)

Details of building warrant

Date of building warrant (and any amendments)–

Reference number of building warrant–

Address of building to which the building warrant applies – [Include post code if known]

[If different] Address of building to which this submission applies – [Include post code if known] (see note 2).

Description of building

Does this submission cover all the work under the above building warrant? YES/NO*

If NO, please describe the work to which this submission applies –

Is this the last submission related to the above building warrant? YES/NO*

Relaxation directions

Was any relaxation of the provisions of the building regulations given? YES/NO*

If YES, give date(s) and reference number(s)–

Certificates

Do any certificates from approved certifiers of construction accompany this submission YES/NO*

If YES, see annex 1

Did any certificates from approved certifiers of design accompany the building warrant application (see note 3) YES/NO*

Notices

Please indicate if this submission is as a result of any of the following notices, and if so give the reference number.

Building regulations compliance notice

Building warrant enforcement notice

Defective buildings notice

Is the building subject to any dangerous building notice? YES/NO*

(If YES, give the reference number)

Date work was completed**Declaration**

I/We* submit a completion certificate in accordance with the details supplied above and with any necessary accompanying information.

[and where the certificate is submitted for work done under a building warrant]

This completion certificate is confirmation that the work was carried out and/or conversion* made in accordance with the building warrant.

This completion certificate also confirms that in the case of work for the construction of a building, the building as constructed complies with the building regulations; that in the case of the provision of services, fittings or equipment in or in connection with a building that the services, fittings or equipment provided comply with building regulations; and in the case of conversion of a building that the building as converted complies with building regulations

[and where this submission is for a dwelling]

I enclose an energy rating for the dwelling(s) as specified in the building warrant calculated in accordance with the Government Standard Assessment Procedure

[and where the certificate is submitted for work done in response to a notice where no warrant was required].

This completion certificate is confirmation that the work done in response to a continuing requirement enforcement notice/a building regulations compliance notice(where no warrant was required)/a defective building notice (where no warrant was required)/a dangerous building notice* has been completed in accordance with the requirements of the notice.

[and if there are any continuing requirements in the building warrant]

This completion certificate confirms acceptance of the continuing requirements as stated below, made under section 22 of the Act, imposed by the building warrant.

Continuing requirements (please list in full).

Signed

Relevant person/duly authorised agent on behalf of relevant person*

Dated

*Delete as appropriate

Address to which you should send this submission

[address including post code, and name, telephone, FAX and e-mail of a contact – that is a Council enquiry point]

Notes

1. The name and address of the owner is required as the procedure regulations require the owner to be informed if a completion certificate is rejected.

2. Where the address has been amended since the building warrant was granted, or where the submission covers only part of a building warrant (for example is for one house in a development of several dwellings that were subject to a single warrant) an address identifying the work covered by the submission must be supplied.

3. Where a certificate from an approved certifier of design includes details yet to be designed, the Notification of Finalisation of Details model form must be completed by the approved certifier and approved body and forwarded to the verifier.

4. Any applicant aggrieved by the decision of a verifier to reject a completion certificate may, by summary application made within 21 days of the date of the decision, appeal to the sheriff. If a verifier has not determined this submission within 14 days from the date of receipt by the verifier of the certificate, the submission is deemed rejected and an appeal may be made to the sheriff in the same way and subject to the same timescale.

WARNING

This certificate does not permit the occupation or use of a building following construction or conversion. It is an offence to occupy or use such a building until a ‘notice of acceptance of a completion certificate’ is obtained except where this is done solely for the purposes of the construction or conversion of the building. Note that temporary permission may be obtainable from a verifier, and note that the restriction on occupation or use does not apply to alterations.

If any person submits a completion certificate containing a statement which that person knows to be false or misleading in a material particular or recklessly submits a completion certificate containing a statement which is false or misleading in a material particular the

person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

ANNEX 1

CERTIFICATES FROM APPROVED CERTIFIERS

Please list reference numbers of any certificates from approved certifiers of construction which relate to this submission, and attach the original signed certificates to this completion certificate.

Important Note. The certificates must be original documents, signed by certifiers fully approved to issue certificates for the matters certified on the date the certificate was signed.

FORM 6

**COMPLETION CERTIFICATE WHERE NO BUILDING WARRANT OBTAINED –
SUBMISSION**

Building (Scotland) Act 2003

Submission under section 17(4) of a completion certificate where no building warrant was
obtained for work which required a building warrant

Relevant person (see below)

Name

Address

Post Code

Tel No

FAX No

e-mail (where available)

Relevant person

The completion certificate must be submitted by the relevant person as defined by the Building
(Scotland) Act 2003, that is–

- (a) where the work was carried out, or the conversion made, otherwise than on behalf of
another person, the person who carried out the work or made the conversion
- (b) where the work was carried out, or the conversion made, by a person on behalf of another
person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person
required by these paragraphs to submit the completion certificate has failed to do so, the
owner.

Duly authorised Agent (if any)

Name

Address

Post Code

Tel No

FAX No

e-mail (where available)

Owner (if different from relevant person) (see note 1)

Name

Address

Post Code

Tel No

FAX No

e-mail (where available)

Location of building

Address of building to which this completion certificate applies – [Include post code if known]

Use of building

Please state current use

[If different from use before work] Please state original use

[If there is a change]

Is the change a conversion in terms of the regulations? (see Annex 1) YES/NO*

[If YES] Please state which description of conversion applies

Description of work

Please give brief description of work and state whether it is to construct (erect, extend, or alter) and/or convert; provide services, fittings or equipment; or demolish

Security matters

Do you consider any part of your proposals should not be open to public inspection on the building standards register? YES/NO*

(if YES, the verifier will decide with you the extent of the restrictions – see note 2)

Limited-life building

If the intended life of the building is to be five years or less from the date of completion, please state - years.

Planning – listed buildings

If this submission concerns buildings listed as being of special architectural or historic interest or in a conservation area please state category

(If in doubt, the planning authority can advise)

Does the building have any other historical importance? (eg association with significant historical person or event)

Relaxation directions

Has any relaxation of the provisions of the building regulations been given by the Scottish Ministers? YES/NO*

If YES, give date(s) and reference number(s).

Notices

Please indicate if this submission is as a result of any of the following notices, and if so give the reference number.

Building regulations compliance notice

Building warrant enforcement notice

Defective building notice

Is the building subject to any dangerous building notice? YES/NO*

(If YES, give the reference number)

Estimated value of works

£

(Please note the verifier may seek evidence for this figure, and make comparisons with established independent indices of building costs).

Certificates

Do any certificates from approved certifiers of design or construction accompany this submission?
YES/NO*

If YES, see annex 2

Declaration

I/We* submit a completion certificate in accordance with the details supplied above and with any necessary accompanying information (see note 3). This completion certificate is confirmation that the work was carried out and/or conversion* made in accordance with the building regulations.

This completion certificate also confirms that in the case of work for the construction of a building, the building as constructed complies with the building regulations; that in the case of the provision of services, fittings or equipment in or in connection with a building that the services, fittings or equipment provided comply with building regulations; and in the case of conversion of a building that the building as converted complies with building regulations

[and where this submission is for a dwelling]

I enclose an energy rating for the dwelling(s) as specified in the submission calculated in accordance with the Government Standard Assessment Procedure.

This completion certificate imposes the following continuing requirements, made under section 22 of the Act.

Continuing requirements (please list in full)

Signed

relevant person/duly authorised agent on behalf of relevant person*

Dated

***Delete as appropriate**

Address to which you should send this submission

[address including post code, and name, telephone, FAX and e-mail of a contact – that is a Council enquiry point]

Notes

1. The name and address of the owner is required as the procedure regulations require the owner to be informed if a completion certificate is rejected.

2. The procedure regulations provide for matters which would raise security concerns to be excluded from inspection, or from copying unless the owner has given consent in writing. Details of residential buildings generally will be available only to interested parties, defined as the owner, occupier, tenant or prospective tenant.

3. A submission for work which should have had a building warrant must be accompanied by the plans, specifications and other information that would have accompanied an application for a building warrant. A fee, equal to that for a late submission of an application for building warrant,

is also required. Note that the building regulations which apply are those in force at the time of submission of this certificate.

WARNING

This certificate does not permit the occupation or use of a building following construction or conversion. It is an offence to occupy or use such a building until a ‘notice of acceptance of a completion certificate’ is obtained except where this is for the purpose of the construction or conversion of the building. Note that temporary permission may be obtainable from a verifier, and note that the restriction on occupation or use does not apply to alterations.

If any person submits a completion certificate containing a statement which that person knows to be false or misleading in a material particular or recklessly submits a completion certificate containing a statement which is false or misleading in a material particular the person will be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

ANNEX 1

CONVERSION

Any change in the occupation or use of a building which falls into one of the following descriptions is considered a conversion to which the building regulations apply.

Change in the occupation or use of

1. A building to create a dwelling or dwellings or a part thereof.
2. A building ancillary to a dwelling to increase the area of human occupation.
3. A building which alters the number of dwellings in a building.
4. A domestic building to any other type of building.
5. A residential building to any other type of building.
6. A residential building which involve a significant alteration of the characteristics of the persons who occupy, or will occupy, the building, or which significantly increase the number of people occupying, or expected to occupy, the building.
7. A building so that it becomes a residential building.
8. An exempt building (in terms of schedule 1) to a building which is not so exempt.
9. A building to allow access by the public where previously there was none.
10. A building to accommodate parts in different occupation where previously it was not so occupied.

ANNEX 2

CERTIFICATES FROM APPROVED CERTIFIERS

Please list reference numbers of any certificates from approved certifiers of design and/or construction which relate to this submission, and attach the original signed certificates to this completion certificate.

Important note

The certificates must be original documents, signed by certifiers fully approved to issue certificates for the matters certified on the date the certificate was signed.

FORM 7

COMPLETION CERTIFICATE FOR LOCAL AUTHORITY USE

Building (Scotland) Act 2003

Registration under section 25(8), 26(4), 27(8), 28(11), 29(5), 30(5) of a completion certificate by a local authority

Details of building

Address of building to which the completion certificate applies – [Include post code if known]

Details of notice [not applicable to registration under section 29(5)]

Indicate type of notice to which this completion certificate relates, and provide reference number.

Details of work done under section 29(5)

[description of work done by local authority]

Certificates

Do any certificates from approved certifiers of design or construction accompany this submission?
YES/NO*

If YES, see annex 1

Date work was completed

Declaration

The Council by this completion certificate certify that the work [required by the above specified notice]* has been completed [in accordance with the notice]* [and complies with the provision of building regulations specified therein.]* (see note 1)

Signed

For Council

Dated

Note

1. Compliance with the specified provisions of building regulations applies only where work is completed in relation to a notice under section 25. Reference to a notice is not applicable to submissions made under section 29(5) relating to dangerous buildings.

FORM 8

BUILDING REGULATIONS COMPLIANCE NOTICE

Building (Scotland) Act 2003

Notice under section 25 requiring owner to make building comply with a provision of the regulations

Notice given

To [name and address]

As owner of [address of building which is to be made to comply]

The Scottish Ministers have by direction [ref no] dated required Local Authorities to secure that buildings of the following description must meet [provision of the regulations specified in the direction].

The Council therefore require that the building specified above meets the provision identified.

[If necessary]

It is considered the following steps require to be taken–

[If relevant]

As authorised verifier for the above work, the Council require you to apply for a building warrant by the date on which the building must comply.

A completion certificate signed by the relevant person must be submitted on completion of the work (see note 2)

This notice will take effect on [date]

and the building made to comply by [date] (see note 3)

Signed

For Council

Dated

Notes

1. Any application aggrieved by the requirements of this notice may, within 21 days of the date of the notice, appeal to the sheriff.

2. The completion certificate must be submitted by the relevant person as defined by the Building (Scotland) Act 2003, that is–

- (a) where the work was carried out, or the conversion made, otherwise than on behalf of another person, the person who carried out the work or made the conversion
- (b) where the work was carried out, or the conversion made, by a person on behalf of another person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person required by these paragraphs to submit the completion certificate has failed to do so, the owner.

3. This date must be at least 28 days after the notice comes into effect. The notice cannot be dated to come into effect until the 21 days permitted for appeal has elapsed, or where there is an appeal, until the appeal is withdrawn or finally determined.

WARNING

If you fail to carry out the work specified in this notice you will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding level 5 on the standard scale. In addition, the local authority may carry out the work itself and claim from you as a debt any expenses reasonably incurred by it in doing so.

FORM 9

CONTINUING REQUIREMENT ENFORCEMENT NOTICE

Building (Scotland) Act 2003

Notice under section 26 requiring owner to comply with a continuing requirement

To [name and address]

As owner of [address of building to be made to comply]

The Scottish Ministers by building warrant [ref no] dated imposed a continuing requirement on the above building as follows.

It appearing to Council that there is a failure to comply with that requirement, the Council therefore require that the following steps must be taken to secure compliance.

[If relevant]

As authorised verifier for the above work, the Council require you to apply for a building warrant by the date on which the building must comply.

This notice will take effect on [date]

And the building made to comply by [date] (see note 2)

[If a building warrant is required]

A completion certificate signed by the relevant person must be submitted on completion of the work (see note 3)

Signed

For Council

Dated

Notes

1. Any applicant aggrieved by the requirements of this notice may, within 21 days of the date of the notice, appeal to the sheriff.

2. This date must be at least 28 days after the notice comes into effect. The notice cannot be dated to come into effect until the 21 days permitted for appeal has elapsed, or where there is an appeal, until the appeal is withdrawn or finally determined.

3. The completion certificate must be submitted by the relevant person as defined by the Building (Scotland) Act 2003, that is—

- (a) where the work was carried out, or the conversion made, otherwise than on behalf of another person, the person who carried out the work or made the conversion
- (b) where the work was carried out, or the conversion made, by a person on behalf of another person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person required by these paragraphs to submit the completion certificate has failed to do so, the owner.

WARNING

If you fail to carry out the work specified in this notice you will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding level 5 on the standard scale. In addition, the local authority may carry out the work itself and claim from you as a debt any expenses reasonably incurred by it in doing so.

FORM 10

BUILDING WARRANT ENFORCEMENT NOTICE

Building (Scotland) Act 2003

Notice under section 27 requiring the owner or the relevant person to obtain a building warrant or submit a completion certificate

To [name and address]

As owner of/relevant person in respect of the work on* [address of building to be made to comply]

It appearing to Council that

A work for which a building warrant is required is being or has been carried out without a building warrant/*

B work for which a building warrant has been granted is being or has been carried out otherwise than in accordance with the building warrant/*

C a limited-life building has not been demolished by the specified date*

the Council therefore require that the following steps must be taken to secure compliance –

[If A, and the work is being carried out]

obtain a building warrant by the date specified below. (see note 2)

[and if local authority considers it necessary]

to suspend work (other than work for complying with this notice) until this notice has been complied with.

[If A, and the work is completed]

submit and secure acceptance of a completion certificate by the date specified below. (see note 2)

[If B, and the work has been or is being carried out]

either secure that the work does comply with the building warrant, or obtain an amendment of building warrant by the date specified below.

[If C]

obtain a building warrant for demolition of the building and to demolish the building by the date specified below.

Specified date

This notice will take effect on [date]

And the [building warrant obtained/completion certificate accepted/amendment to building warrant obtained/building warrant to demolish obtained and building demolished*] by [date] (see note 3)

Signed

for Council

Dated

*delete as appropriate

Notes

1. Any applicant aggrieved by the requirements of this notice may, within 21 days of the date of the notice, appeal to the sheriff.

2. If a building warrant is required or a completion certificate is to be submitted, they must be signed by the relevant person as defined by the Building (Scotland) Act 2003, that is–

- (a) where the work has been or is being carried out otherwise than on behalf of another person, the person who carried it out or is carrying it out
- (b) where the work has been or is being carried out by a person on behalf of another person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person specified in those paragraphs cannot be found or no longer has an interest in the building, the owner
- (d) if the limited-life building has not been demolished, the owner.

3. This date must be at least 28 days after the notice comes into effect. The notice cannot be dated to come into effect until the 21 days permitted for appeal has elapsed, or where there is an appeal, until the appeal is withdrawn or finally determined except where the notice requires suspension of the work (other than work for complying with the notice) until the notice has been complied with in which case the notice continues to have effect unless quashed by an order of the sheriff on appeal.

WARNING

If you fail to carry out the work specified in this notice you will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding level 5 on the standard scale. In addition, the local authority may carry out the work itself and claim from you as a debt any expenses reasonably incurred by it in doing so.

FORM 11

DEFECTIVE BUILDING NOTICE

Building (Scotland) Act 2003

Notice under section 28 requiring owner to rectify defects

To [name and address]

as owner of [address of defective building to be repaired]

It appearing to Council that the above building has defects that require to be rectified in order to bring the building into a reasonable state of repair having regard to its age, type and location, the Council therefore require that the defects specified below are rectified.

The defects are–

[If relevant]

The following steps must be taken to secure compliance with this notice–

[If relevant]

As authorised verifier for the above work, the Council require you to apply for a building warrant by the date on which the building must comply with the notice.

[If a building warrant is required]

A building warrant must be obtained and a completion certificate signed by the relevant person must be submitted on completion of the work. (See note 1)

[If no building warrant is needed for the work required by this notice]

A completion certificate certifying that the work has been done in accordance with the notice must be submitted to the Local Authority.

Notice given

This notice requires the owner to begin the work specified in this notice by [date]

and to complete the work in compliance with this notice by [date]. (See note 2)

Signed

for Council

Dated

Notes

1. The completion certificate must be submitted by the relevant person as defined by the Building (Scotland) Act 2003, that is–

- (a) where the work was carried out, or the conversion made, otherwise than on behalf of another person, the person who carried out the work or made the conversion
- (b) where the work was carried out, or the conversion made, by a person on behalf of another person, that other person
- (c) if the owner of the building does not fall within paragraph (a) or (b) and the person required by these paragraphs to submit the completion certificate has failed to do so, the owner.

2. The first date must be a date not less than 7 days after the date of service of the notice and the second date must be not less than 21 days after the first date. Where, however, this notice requires an application for a building warrant for work required to comply with this notice to be made, then later dates may be substituted if, by the first date, the owner has applied for such building warrant. There are 21 days permitted for an appeal against this notice and later dates may be substituted where there is an appeal until the appeal is withdrawn or finally determined.

WARNING

If you fail to carry out the work specified in this notice you will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding level 5 on the standard scale. In addition, the local authority may carry out the work itself and claim from you as a debt any expenses reasonably incurred by it in doing so.

FORM 12

DANGEROUS BUILDING NOTICE

Building (Scotland) Act 2003

Notice under sections 29 and 30 requiring owner to reduce or remove the danger constituted by a building

To [name and address]

as owner of [address of dangerous building]

It appearing to Council that the above building constitutes a danger that requires to be reduced or removed, the Council therefore require that the following steps must be taken to secure compliance with this notice.

The steps which must be taken are

[*the repair of]/

[*the demolition of]/

[*the building must be secured against entry by [date]]

A building warrant is not required but a completion certificate must be provided.

This above work must be commenced by [date]. (See note 2)

and the work completed by [date]

Signed

For Council

Dated

*Delete as appropriate

Notes

1. Any applicant aggrieved by the requirements of this notice may, within 21 days of the date of the notice, appeal to the sheriff.

2. Later dates may be substituted where there is an appeal, until the appeal is withdrawn or finally determined.

WARNING

If you fail to carry out the work specified in this notice you will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine. In addition, the local authority may carry out the work itself and claim from you as a debt any expenses reasonably incurred by it in doing so.

FORM 13

NOTICE OF INTENTION TO ENTER PREMISES

Building (Scotland) Act 2003

Notice under section 39 of intention to enter premises

To [name and address]

as owner/occupier of [address of building to be entered]

Notice given

I being a person so authorised by [Council]*/

[Scottish Ministers]*, give notice that I intend to enter the above premises on or after [date, which must be at least three days hence]. (See notes 1 and 2)

for the purpose of [specify intent and quote relevant sub-paragraph ie section 39(2), (4)(a), (b) or (c)]

Signed

Designation

Dated

*Delete as appropriate

Any enquiries about this notice should be addressed to Council/Scottish Ministers*

[address including postcode, and name, telephone, FAX and e-mail of a contact]

Notes

1. Any person authorised in writing by the local authority/Scottish Ministers*, on showing his authority if requested, may at all reasonable times enter any premises–

a)to inspect any building, or the site of any building, in connection with the powers granted by sections 25 to 30 of the Building (Scotland) Act 2003 (ie building regulations compliance notices, continuing requirement enforcement notices, building warrant enforcement notices, defective buildings, dangerous buildings and dangerous buildings notices)

b)to carry out work under the above sections of the Act, and

c)to carry out reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of a building which the local authority/Scottish Ministers* is entitled to inspect

*delete as appropriate

2. The authorised person must give 3 days notice of the intended entry to the occupier and, where the owner is known, to the owner, unless the case is urgent.

3. The person authorised to enter the building may take with him such other persons and such equipment as appear to him to be necessary.

4. The person authorised to enter the premises must leave them as effectually secured against unauthorised entry as that person found them.

WARNING

Any person intentionally obstructing any authorised person entering premises for any of the purposes detailed above will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

FORM 14

AUTHORITY TO ENTER PREMISES

Building (Scotland) Act 2003

Authority to enter premises issued under section 39 and Schedule 4, paragraph 3

The Council/Scottish Ministers* authorise

Name

Designation

Office address

[If relevant]

This authority from a local authority permits entry to any premises for the purposes of–

A carrying out any work under sections 25 to 30 of the Building (Scotland) Act 2003/*

B inspecting any building, or the site of any building, in connection with the local authority's functions under sections 25 to 30 of the Building (Scotland) Act 2003/*

C carrying out reasonable tests to determine the quality and strength of any material used or to be used in the construction of a building which the authority is entitled to inspect under B above/*

[If relevant]

This authority from the Scottish Ministers, permits entry to any premises for the above purposes and in addition for

D inspecting any building, or the site of any building, in respect of which an application for relaxation of building regulations has been made/*

E carrying out reasonable tests to determine quality or strength of any material used or to be used in the construction of a building referred to in D above*

*Delete as appropriate

Notes

1. Entry into any premises may be demanded only at a reasonable time. The authorised person must give 3 days notice of the intended entry to the occupier and, if the owner is known, to the owner. Note that in urgent cases these provisions may not apply (see procedural handbook published by the Scottish Building Standards Agency (SBSA) for examples. A copy of the procedural handbook can be viewed on the website (www.sbsa.gov.uk/current_standards/proc_handbook.htm) or obtained from the SBSA, Denholm House, Almondvale Business Park, Livingston, West Lothian, EH54 6GA).

2. The person authorised to enter the building may take with him such other persons and such equipment as appear to him to be necessary.

3. Sections 25 to 30 of the Building (Scotland) Act 2003 relate to–
section 25 making certain existing buildings comply with the regulations when the Scottish Ministers have issued a direction requiring those buildings to comply

section 26 ensuring continuing requirements that have been placed on a building by Scottish Ministers or by verifiers when issuing building warrants or accepting completion certificates are being met

section 27 ensuring buildings are being or have been built in accordance with a relevant building warrant

section 28 inspecting buildings to determine whether a defective building notice is necessary

sections 29 and 30 inspecting buildings which appear to the local authority to constitute a danger to people in or around the building, or to adjacent buildings or places.

WARNING

Any person intentionally obstructing any authorised person entering the premises for any of the purposes detailed above will be guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

FORM 15

**CERTIFICATE TO ACCOMPANY APPLICATION FOR WARRANT TO EXERCISE
POWERS OF ENTRY, INSPECTION OR TESTING**

Building (Scotland) Act 2003

Certificate under section 39 schedule 4 paragraph 2(3) to confirm that notice of the intention to apply for a warrant to exercise powers has been given, or that the giving of such notice would defeat the object of the proposed entry

The Council/Scottish Ministers* certify that—

[Choose relevant condition]

The exercise of the power to enter/inspect/test* has been refused/is likely to be refused.

There is an intention to carry out work because of a refusal/likely refusal* to comply with an enforcement notice.

Affirmation

[Choose affirmation A or B]

A notice of the intention to apply for a warrant to exercise the powers detailed above has therefore been given to the people listed below, as occupants of the premises.

Names and addresses

B Giving notice of the intention to apply for a warrant to exercise the powers detailed above would defeat the object of the proposed entry.

Signed

For Council/Scottish Ministers*

Dated

*Delete as appropriate

Any enquiries about this certificate should be addressed to

Council

[address including postcode, and name, telephone, FAX and e-mail of a contact]/

Scottish Ministers*Scottish Building Standards Agency

Denholm House

Livingston

EH54 6GA

Tel: 01506 600 400 FAX 01506 600 401

FORM 16

NOTICE TO REMOVE FROM A BUILDING

Building (Scotland) Act 2003

Notice under section 42 requiring removal from a dangerous building or adjacent premises

To [name and address]

as owner/occupier of [address of building to be removed from]

It appears to Council,

that for the undernoted reason(s) the above building constitutes a danger to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally.

The local authority now requires you, and all other occupants, to remove from [the above building]/[premises adjacent to the above building]*

[immediately]/[by]*[date]

Reasons

Signed

for Council

Dated

*Delete as appropriate

Any enquiries about this notice should be addressed to

Council

[address including postcode, and name, telephone, FAX and e-mail of a contact]

Notes

1. If any person fails to comply with this notice the local authority may then apply to the sheriff for a warrant for its enforcement.

2. In terms of section 42(5)(a) the local authority must give a reason for the requirement (see procedural handbook published by the Scottish Building Standards Agency (SBSA) for examples. A copy of the procedural handbook can be viewed on the website (www.sbsa.gov.uk/current_standards/proc_handbook.htm) or obtained from the SBSA, Denholm House, Almondvale Business Park, Livingston, West Lothian, EH54 6GA.)

WARNING

Any person entering evacuated premises will be guilty of an offence under the Building (Scotland) Act 2003 and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment to a fine.

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations which are made under the Building(Scotland) Act 2003 (“the Act”) amend the Building (Forms) (Scotland) Regulations 2005 and set out the amended forms prescribed for the purposes of section 36 of the Act.

Regulation 2 is the general regulation which substitutes the Schedule in these Regulations for that in the 2005 Regulations. This takes account of changes to the forms which have been identified as necessary as a result of the practical application of the new system applicable since 1st May 2005 to building standards. As before, there is an index at the beginning of the Schedule which lists the 16 forms and their titles. The prescribed forms include those for building warrants and completion certificates as well as for various enforcement notices.

2006 No. 163

BUILDING AND BUILDINGS

The Building (Forms) (Scotland) Amendment Regulations 2006

£6.50

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under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland