

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 1970 (repealed), SCHEDULE 1. (See end of Document for details)

SCHEDULE 1

Section 6(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

^{M1} AMENDMENTS OF THE BUILDING (SCOTLAND) ACT 1959

Modifications etc. (not altering text)

- C1** The text of Sch. 1 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1959 c. 24.

- 1 In section 6 (application of building standards regulations)—
- (a) in subsection (2), after the word “section” there shall be inserted the words “and to section 6A of this Act” ;
 - (b) in subsection (3), for the words from “under section four” to the end there shall be substituted the following words:—
“under —
 - (a) section 4 or 4A(3) of this Act, subject also to the condition that such conditions, if any, as are specified in the direction are observed ;
 - (b) section 6A(7) of this Act, subject also to the condition that such requirements as are specified in the direction are complied with.”;
 - (c) in subsection (8), after the word “1935” there shall be inserted the words “section 33 of the ^{M2} Civil Defence Act 1939, section 10 of the ^{M3} Clean Air Act 1956”.

Marginal Citations

- M2** 1939 c. 31.

- M3** 1956 c. 52.

- 2 In section 7 (minor works), for the words “the last foregoing section” there shall be substituted the words “section 6 of this Act”.
- 3 In section 10 (powers in relation to buildings constructed without warrant etc.)—
- (a) in subsection (1), the words from “and if” to the end shall cease to have effect;
 - (b) after subsection (1) there shall be inserted the following subsections:—
“(1A) In any case falling within paragraph (a) of subsection (1) above, if within the period specified in the notice mentioned in that subsection the person upon whom that notice was served applies for a direction under section 4 of this Act in respect of the building

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and (if the application is made to the Secretary of State) notifies the buildings authority that he has done so, the said period shall be deemed to be extended so as to expire—

- (a) where the direction applied for is given, at the end of the period of twenty-one days from the date of the giving of the direction ;
- (b) where the direction is refused by the Secretary of State, at the end of the period of twenty-one days from the date of the refusal to give the direction;
- (c) where the direction is refused by the buildings authority or is granted by the authority subject to conditions—
 - (i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,
 - (ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-one days from the date on which the appeal is determined or abandoned;

and any reference in the following provisions of this section to the operations specified in the notice shall, in a case where the building standards regulations are relaxed by any such direction, be construed as a reference to those operations in so far as they are necessary to make the building conform to the said regulations as so relaxed.

(1B) If within the period specified in the notice mentioned in subsection (1) above (or, in a case falling within subsection (IA) above, that period as extended by virtue of that subsection) the person upon whom the notice has been served fails to show cause to the satisfaction of the buildings authority why he should not be required to execute the operations specified in the notice, the buildings authority may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.”;

- (c) in subsection (2), for the words “the foregoing subsection” there shall be substituted the words “subsection (IB) above” ;
- (d) in subsection (4), for the words “subsection (1)” there shall be substituted the words “subsection (IB)”.

4 section 11 (power of local authorities to require buildings to conform to building standards regulations), in subsection (3)—

- (a) the words “to the Secretary of State” shall cease to have effect
- (b) for the words from “at the end of” to the end there shall be substituted the following words:—

“(a) where the direction applied for is given, at the end of the period of twenty-eight days from the date of the giving of the direction ;

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- (b) where the direction is refused by the Secretary of State, at the end of the period of twenty-eight days from the date of the refusal to give the direction;
- (c) where the direction is refused by the buildings authority or is granted by the buildings authority subject to conditions—
 - (i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,
 - (ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-eight days from the date on which the appeal is determined or abandoned;

and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is relaxed by any such direction, be construed as a reference to the specified provision as so relaxed.”.

- 5 In section 16 (appeals), in subsection (1)—
 - (a) in paragraph (d), for the words “subsection (1)” there shall be substituted the words “subsection (IB)” ;
 - (b) after the word “may”, where it first occurs, there shall be inserted the words “(except as provided in section 6B(2) of this Act)”.
- 6 In section 23 (inquiries)—
 - (a) in subsection (1), the words “ Without prejudice to anything in subsection (6) of section three of this Act” shall cease to have effect;
 - (b) in subsection (2), the words “or subsection (6) of section three of this Act” shall cease to have effect.
- 7 In section 29 (interpretation), in subsection (1)
 - (a) in the definition of “building standards regulations”, after the words “section three” there shall be inserted the words “as read with section 4(9)”;
 - (b) after the definition of “contravene” there shall be inserted the following definition:— “ “enactment” includes an order, regulation or other instrument having effect by virtue of an Act;”.
- 8 Schedule 5 (procedure for directions under section 4) shall cease to have effect.
- 9 In Schedule 9 (minor and consequential amendments), in paragraph 3, sub-paragraph (a) shall cease to have effect.

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PART II

AMENDMENTS OF OTHER ENACTMENTS

Burgh Police (Scotland) Act 1903 (1903 c. 33)

1 Section 29 (penalty on unauthorised occupation of street) shall cease to have effect.

Modifications etc. (not altering text)

C2 The text of Sch. 1 Pt. II para. 1 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Ancient Monuments Consolidation and Amendment Act 1913 (1913 c. 32)

2 In section 18 (relaxation of byelaws), the words “or buildings” and the words from “provided that” to “sanitation” shall cease to have effect.

Modifications etc. (not altering text)

C3 The text of Sch. 1 Pt. II para. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Civil Defence Act 1939 (1939 c. 31)

3 **F1**

Textual Amendments

F1 Sch. 1 Pt. II para. 3 repealed by Statute Law (Repeals) Act 1976 (c. 16), **Sch. 1 Pt. V**

4 **F2**

Textual Amendments

F2 Sch. 1 Pt. II para. 4 repealed by Water (Scotland) Act 1980 (c. 45, SIF 130), s. 112(2), **Sch. 11**

Clean Air Act 1956 (1956 c. 52)

5 In section 10 (height of chimneys), for subsection (5) (application to Scotland) there shall be substituted the following subsection:—

“(5) In the application of subsection (1) above to Scotland—

- (a) any reference to plans deposited in accordance with building regulations shall be construed as a reference to the plans,

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- specifications and other information submitted with an application for a warrant under section 6 of the Building (Scotland) Act 1959;
- (b) any reference to a local authority shall be construed as a reference to a buildings authority within the meaning of the said Act of 1959;
 - (c) any reference to the rejection of plans shall be construed as a reference to the refusal of such a warrant as aforesaid
- and subsections (2) and (3) shall be omitted.”.

Modifications etc. (not altering text)

- C4** The text of Sch. 1 Pt. II para. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Thermal Insulation (Industrial Buildings) Act 1957 (1957 c. 40)

- 6 In section 7 (power of Minister and local authority to grant exemptions), in subsection (3)—
- (a) for the words “the Fifth Schedule to” there shall be substituted the words “any regulations made under section 4(8) of”;
 - (b) for the words “section four” there shall be substituted the words “section 4(1)(a)”;
 - (c) at the end there shall be inserted the words “and with any other necessary modifications”.

Modifications etc. (not altering text)

- C5** The text of Sch. 1 Pt. II para. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Roads (Scotland) Act 1970 (1970 c.20)

- 7 In section 24 (obstructions and excavations in roads without consent), in subsection (7), in paragraph (a), head (i) shall cease to have effect.

Modifications etc. (not altering text)

- C6** The text of Sch. 1 Pt. II para. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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