
STATUTORY INSTRUMENTS

2009 No. 822 (S. 6)

**CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
BUILDING AND BUILDINGS**

**The Building (Scotland) Act 2003 (Exemptions
for Defence and National Security) Order 2009**

<i>Made</i>	- - - -	<i>31st March 2009</i>
<i>Laid before Parliament</i>		<i>2nd April 2009</i>
<i>Coming into force</i>	- -	<i>1st May 2009</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(2) of the Scotland Act 1998(1).

Citation, commencement and extent

1.—(1) This Order may be cited as the Building (Scotland) Act 2003 (Exemptions for Defence and National Security) Order 2009 and comes into force on 1st May 2009.

(2) This Order extends to Scotland only.

Interpretation

2. In this Order—

- (a) “the 2003 Act” means the Building (Scotland) Act 2003(2);
- (b) “building” has the same meaning as in section 55 of the 2003 Act.

Exemptions for defence and national security

3. The provisions of the 2003 Act and any subordinate legislation made under it shall not apply to—

- (a) a building, or work to or in a building, used or to be used for the purposes of national security;
- (b) work to or in a building, carried out for the purposes of national security; or
- (c) a building, or work to or in a building, occupied for the purposes of—

(1) 1998 c. 46.
(2) 2003 asp 8.

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- (i) the Secretary of State for Defence;
- (ii) the Defence Council;
- (iii) any of the armed forces of the Crown;
- (iv) any visiting force as defined in the Visiting Forces Act 1952⁽³⁾; or
- (v) any international headquarters or defence organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964⁽⁴⁾.

Dover House, London
31st March 2009

ANN McKECHIN
Parliamentary Under Secretary of State Scotland
Office Ministry of Justice

⁽³⁾ 1952 c. 67.
⁽⁴⁾ 1964 c. 5.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order exempts—

- (i) buildings, or work to or in buildings, used or to be used for the purposes of national security;
 - (ii) work to or in buildings carried out for the purposes of national security;
 - (iii) buildings, or work to or in buildings, occupied for various purposes connected with defence,
- from the provisions of the Building (Scotland) Act 2003 and any subordinate legislation made under it.