

*These notes relate to the Building (Scotland) Act 2003
(asp 8) which received Royal Assent on 26 March 2003*

BUILDING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT - AN OVERVIEW

Part 2: Approval of Construction Work Etc.

Section 23: Discharge and variation of continuing requirements imposed by verifiers

69. **Section 23** provides for verifiers to vary or discharge a continuing requirement which was imposed by a verifier. (The verifier cannot vary or discharge continuing requirements imposed in building regulations.) They must discharge a requirement on application if they are satisfied that the building complies with the building regulations that apply when the application is made, and (a) in the case of the discharge of a continuing requirement, the requirement is no longer necessary, or (b) in the case of the variation of a continuing requirement, the variation will not result in the purposes of building regulations being frustrated. The section also provides that continuing requirements imposed by verifiers cease to have effect if a subsequent building warrant is granted or a completion certificate is submitted under section 17(4) (i.e. where no building warrant was applied for in relation to the relevant building or work). **Subsection (4)** provides that any such subsequent building warrant or completion certificate can contain further continuing requirements.