Building (Scotland) Act 2003

2003 asp 8

PART 1

BUILDING REGULATIONS

Relaxation of building regulations

3 Relaxation of building regulations

(1) This section applies where the Scottish Ministers consider that it is unreasonable that any provision of building regulations which would, apart from this section, apply in relation to any building or description of building should so apply, or should so apply without relaxation.

(2) Where this section applies the Scottish Ministers may—

(a) on an application made to them by any person, give a direction dispensing with or relaxing the provision in question in relation to the building,

(b) whether or not on an application made to them, give a direction dispensing with or relaxing the provision in question generally in relation to a description of building.

(3) No direction may be given under subsection (2) in relation to a provision of building regulations specified in the regulations as one in relation to which such a direction is not competent.

(4) A direction under subsection (2)—

(a) may be given unconditionally or subject to such conditions as the direction may specify,

(b) ceases to have effect on such date (if any) as the direction may specify,

(c) may be varied or revoked by a further direction.

(5) Before giving a direction under subsection (2)(b) or a direction under subsection (4)(c) varying or revoking such a direction the Scottish Ministers must consult—

[F1](a) . . . . . .

(b) such [F2]... persons as appear to them to be representative of the interests concerned.

(6) The Scottish Ministers must send a copy of any direction under subsection (2)(a) and any direction under subsection (4)(c) varying or revoking such a direction to—

(a) the local authority, and

(b) every verifier authorised to exercise functions under this Act in relation to the building in question or other buildings of that description in the area of the local authority.

(7) The Scottish Ministers must send a copy of any direction under subsection (2)(b) and any direction under subsection (4)(c) varying or revoking such a direction to—

(a) every verifier, and

(b) every local authority which is not a verifier.

(8) Where—

(a) an application for a building warrant is made to a verifier,

(b) all or part of the building to which the application relates is of a description to which a direction under subsection (2)(b) relates, and

(c) after the application is lodged, the direction ceases to have effect by virtue of subsection (4)(b) or is varied or revoked under subsection (4)(c),

the direction (with any conditions specified in it) continues to have effect in relation to the application.

(9) Unless the context otherwise requires, references in this Act or any other enactment to building regulations are, in relation to any building or description of building in relation to which a direction under this section is in force, to the regulations as, subject to that direction, they apply to that building or description of building.

Textual Amendments

F1 S. 3(5)(a) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 6(2)(b)(i)**, 134(7); S.S.I. 2010/221, art. 3(2), Sch.

F2 Word in s. 3(5)(b) repealed (1.8.2010) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 6(2)(b)(ii)**, 134(7); S.S.I. 2010/221, art. 3(2), Sch.

Commencement Information

I1 S. 3 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

Status:
Point in time view as at 01/08/2010.

Changes to legislation:
There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross Heading: Relaxation of building regulations.