



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Functions of Ministers, local authorities, verifiers and certifiers*

#### **32 Exercise of local authority functions**

- (1) The Scottish Ministers may give local authorities directions of a general or specific character as to the exercise of their functions under this Act.
- (2) Such directions may be given to all local authorities, to a particular local authority or to local authorities of a particular description.
- (3) Subsections (1) and (2) are without prejudice to section 7(10) and (11).
- (4) If the Scottish Ministers so direct, the functions of a local authority under any of sections 25 to 30 and schedule 5 are exercisable by them in place of the authority to the extent specified in the direction; and for the purpose of such exercise, references in those provisions and this Part to a local authority are, so far as necessary, to be read as references to the Scottish Ministers.
- (5) A direction under subsection (4) may be of a general or specific character and may, for example, relate to a particular—
  - (a) building or description of building,
  - (b) local authority or description of local authority,
  - (c) geographical area.

#### **33 Procedure regulations**

- (1) The Scottish Ministers may by regulations (“procedure regulations”) make provision as to—
  - (a) the procedure to be followed in connection with—
    - (i) applications authorised or required to be made under this Act and the determination of such applications,

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*Status: This is the original version (as it was originally enacted).*

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- (ii) directions under section 3,
  - (iii) references to the Scottish Ministers under section 12,
  - (iv) the submission to verifiers of completion certificates and the acceptance or rejection of such certificates,
  - (b) the procedure to be followed—
    - (i) by certifiers in relation to the issue of certificates for the purposes of sections 11 and 19,
    - (ii) by local authorities in connection with their functions under Parts 3 and 4 and this Part,
  - (c) the appointment and removal of, and the exercise of functions by, verifiers and certifiers,
  - (d) the approval of schemes under section 7(2) and the withdrawal of such approval.
- (2) Such regulations may in particular provide for the matters specified in schedule 3.
- (3) Such regulations may provide for—
- (a) the combination in a single document (a “combined application”) of—
    - (i) any application authorised or required to be made under this Act, and
    - (ii) any such application as is mentioned in section 274(1) (combined applications) of the Town and Country Planning (Scotland) Act 1997 (c. 8),
  - (b) the making of a combined application in such form and manner, and to such authority, as the regulations may specify, and
  - (c) the transmission of copies of the application by that authority to such other authorities as the regulations may specify.
- (4) Subsections (2) to (6) of section 274 of that Act apply in relation to regulations made in pursuance of subsection (3) as they do in relation to regulations made under subsection (1) of that section.

#### **34 Reports and information**

- (1) Every local authority, verifier and certifier must provide the Scottish Ministers with such reports and information as the Scottish Ministers may require in relation to the functions of the authority, verifier or certifier under this Act.
- (2) Any local authority, verifier or certifier which knowingly or recklessly provides information in pursuance of a requirement under subsection (1) which is false or misleading in a material particular is guilty of an offence.