



Building (Scotland) Act 2003

2003 asp 8

PART 5

GENERAL

Interpretation

55 Meaning of “building”

- (1) In this Act “building” means any structure or erection, whether temporary or permanent, other than a structure or erection to which subsection (2) applies.
- (2) This subsection applies to any structure or erection consisting of, or ancillary to—
 - (a) any public road (including any bridge on which the road is carried),
 - (b) any private road,
 - (c) any sewer or water main which is, or is to be, vested in Scottish Water,
 - (d) any aerodrome runway,
 - (e) any railway line,
 - (f) any [^{F1}controlled reservoir within the meaning of the Reservoirs (Scotland) Act 2011 (asp 9)],
 - (g) any wires and cables, their supports above ground and other apparatus used for telephonic or telegraphic communication.
- (3) In this Act, unless the context otherwise requires—
 - (a) references to a building include references to a prospective building,
 - (b) references to a building, structure or erection include references to a part of the building, structure or erection,
 - (c) in relation to the extension, alteration or conversion of a building, references to a building are to so much of the building as is comprised in the extension or the subject of the alteration or conversion.
- (4) For the purposes of this Act and any orders and regulations made under it buildings may be classified by reference to size, description, design, purpose, location or any other characteristic whatsoever.

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross Heading: Interpretation. (See end of Document for details)

Textual Amendments

- F1** Words in s. 55(2)(f) substituted (1.4.2016) by Reservoirs (Scotland) Act 2011 (asp 9), ss. 112(4), 116(1) (with s. 110); S.S.I. 2016/42, art. 2, Sch. (with art. 3)

Commencement Information

- II** S. 55 in force at 22.9.2004 by S.S.I. 2004/404, art. 2(2), Sch. 1

56 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “approved certifier of construction” and “approved certifier of design” are to be construed in accordance with section 7(1) and (2),
 - “building” is to be construed in accordance with section 55,
 - “building regulations” means regulations under section 1(1); and references to building regulations in relation to a building of a particular description are references to so much of the regulations as apply to a building of that description,
 - “building regulations compliance notice” has the meaning given by section 25(3),
 - ...
 - “building standards register” has the meaning given in section 24(1),
 - “building warrant” has the meaning given in section 8(1) and includes, in the case of a warrant which has been granted, any conditions to which it is subject and any amendment which has been made to it,
 - “building warrant enforcement notice” has the meaning given by section 27(2),
 - “certifier” means an approved certifier of design or an approved certifier of construction,
 - “completion certificate” means a certificate submitted to a verifier under section 17(1), (4) or (7) or in pursuance of a building warrant enforcement notice under section 27(2)(a),
 - “construct” includes alter, erect and extend, and “construction” and related expressions are to be construed accordingly,
 - “continuing requirement enforcement notice” has the meaning given by section 26(2),
 - “convert”, in relation to a building, means to make such change in the occupation or use of the building as building regulations may specify, and “conversion” and related expressions are to be construed accordingly,
 - “dangerous building” is to be construed in accordance with section 29(1),
 - “dangerous building notice” has the meaning given in section 29(6),
 - “defective building notice” has the meaning given in section 28(1),
 - “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and references to a local authority, in relation to a building, are to the authority in whose area the building is situated,
 - “owner”, in relation to land or buildings, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land or buildings to the promoters of an undertaking,
 - “private road” means a road not maintainable by the Scottish Ministers or a local roads authority (whether or not comprising a public right of way),
 - “procedure regulations” means regulations under section 33(1),

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross Heading: Interpretation. (See end of Document for details)

“public road” means a road maintainable by the Scottish Ministers or a local roads authority,

“road” has the same meaning as in the Roads (Scotland) Act 1984 (c. 54) except that it also includes any drain or ditch at the side of a road,

“verifier” means a person appointed in pursuance of section 7(1)(a),

“work” in relation to a building includes work carried out in relation to the enclosure and preparation of the site of the building.

- (2) A building which is in the area of two or more local authorities is to be treated for the purposes of this Act as being wholly within the area of such one of them as they may agree or, failing agreement, as the Scottish Ministers may determine.

Textual Amendments

- F2** Words in s. 56(1) repealed (1.8.2010) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 6(2)(d)**, 134(7); [S.S.I. 2010/221](#), art. 3(2), Sch.
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Commencement Information

- I2** S. 56 in force at 22.9.2004 by [S.S.I. 2004/404](#), art. 2(2), **Sch. 1**

Changes to legislation:

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Cross
Heading: Interpretation.