

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

(introduced by section 7)

### VERIFIERS AND CERTIFIERS

- 1 A verifier or certifier is appointed under section 7(1) for such period, and holds the appointment on such terms, as the appointment may specify.

#### Commencement Information

**I1** Sch. 2 para. 1 in force at 4.11.2004 by S.S.I. 2004/404, art. 2(3), Sch. 2

- 2 An appointment may be made subject to such limitations as the Scottish Ministers may impose, which may be framed by reference to area, description of building, cost of building or building work or any other factor whatsoever.

#### Commencement Information

**I2** Sch. 2 para. 2 in force at 4.11.2004 by S.S.I. 2004/404, art. 2(3), Sch. 2

- 3 Despite paragraph 1, an appointment may be varied or terminated on such grounds as may be specified in procedure regulations.

#### Commencement Information

**I3** Sch. 2 para. 3 in force at 22.9.2004 for specified purposes and 4.11.2004 in so far as not already in force by S.S.I. 2004/404, art. 2(2)(3), Schs. 1, 2

- 4 A person who is a certifier by virtue of membership of a scheme approved under section 7(2) is entitled to exercise the functions of a certifier subject to—
- (a) such limitations as are imposed in relation to the scheme under section 7(3), and
  - (b) any limitations contained in the scheme.

#### Commencement Information

**I4** Sch. 2 para. 4 in force at 4.11.2004 by S.S.I. 2004/404, art. 2(3), Sch. 2

- 5 When the appointment of a verifier (the “former verifier”) terminates, for whatever reason, the Scottish Ministers must direct another verifier (the “successor verifier”) to deal with—
- (a) any application made to the former verifier under section 9 for a building warrant or an amendment to a building warrant, so far as undetermined at the time when the appointment terminated,
  - (b) any completion certificate submitted to the former verifier and not accepted or rejected under section 18 at the time when the appointment terminated, and
  - (c) any completion certificate submitted after the time when the appointment terminated and relating to work or a conversion in respect of which a building warrant was granted by the former verifier;

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and from the date of the direction references in this Act or subordinate legislation made under it to the verifier are to be read as references to the successor verifier.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 6 A verifier is not entitled to exercise any functions as such under this Act in relation to any matter in respect of which it has, as an approved certifier of design or an approved certifier of construction, issued a certificate under section 11(1) or, as the case may be, 19(1).

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 7 An approved certifier of design is not entitled to issue a certificate under section 11(1) in relation to any matter in respect of which it has exercised or is exercising any function as a verifier under this Act.

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 8 An approved certifier of construction is not entitled to issue a certificate under section 19(1) in relation to any matter in respect of which it has exercised or is exercising any function as a verifier under this Act.

**Commencement Information**

**I8** Sch. 2 para. 8 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 9 A verifier is not entitled to exercise any function as such under this Act in relation to a building in which it has an interest unless the Scottish Ministers authorise it to do so by a direction under this paragraph.

**Commencement Information**

**I9** Sch. 2 para. 9 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 10 Such a direction may be given to a particular verifier or to verifiers of a particular description and may be given in respect of all the functions of the verifiers to which it applies or such descriptions of those functions (determined by reference to any criteria whatsoever) as the direction may specify.

**Commencement Information**

**I10** Sch. 2 para. 10 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

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- 11 For the purposes of paragraph 9, a verifier has an interest in a building if it is an owner, tenant or occupier of the building or if it has such other interest in or in connection with the building as may be specified in procedure regulations.

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**Commencement Information**

- I11** Sch. 2 para. 11 in force at 22.9.2004 for specified purposes and 1.5.2005 in so far as not already in force by S.S.I. 2004/404, art. 2(1)(2), Sch. 1

- 12 Such regulations may specify different such interests in relation to different verifiers or different descriptions of verifier.

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**Commencement Information**

- I12** Sch. 2 para. 12 in force at 22.9.2004 for specified purposes and 1.5.2005 in so far as not already in force by S.S.I. 2004/404, art. 2(1)(2), Sch. 1

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