

*Status: Point in time view as at 01/10/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, SCHEDULE 6. (See end of Document for details)*

## SCHEDULE 6

(introduced by section 58)

### MODIFICATION OF ENACTMENTS

1 The Building (Scotland) Act 1959 is repealed.

#### Commencement Information

**I1** Sch. 6 para. 1 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1) (with art. 4)

2 In section 21(3) (definition of “building”) of the Sewerage (Scotland) Act 1968, for “29(1) of the Building (Scotland) Act 1959” substitute “ 55(1) and (2) of the Building (Scotland) Act 2003 (asp 8) ”.

#### Commencement Information

**I2** Sch. 6 para. 2 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

3 In the Mines and Quarries (Tips) Act 1969, in section 34(3) (application of certain enactments)—

- (a) after “authority” in the first place where it occurs insert “ and, in the case of section 37(3) of the Building (Scotland) Act 2003 (asp 8), the reference to “any such person” ”,
- (b) in paragraph (a), for the words from “25(2)” to “councils” substitute “ 37(3) and (4) of the Building (Scotland) Act 2003 (power ”.

#### Commencement Information

**I3** Sch. 6 para. 3 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

4 The Building (Scotland) Act 1970 is repealed.

#### Commencement Information

**I4** Sch. 6 para. 4 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

5 In the Chronically Sick and Disabled Persons Act 1970, in section 6(2) (provision of sanitary conveniences at certain premises open to the public)—

- (a) for the words from “who” in the first place where it occurs to “conform to” substitute “ on whom a building regulations compliance notice has been served under section 25(3) of the Building (Scotland) Act 2003 (asp 8) requiring the owner to secure that the building complies with ”,
- (b) the word “standards” is repealed,
- (c) for “section 3” substitute “ section 1 ”,
- (d) for “order” substitute “ notice ”.

#### Commencement Information

**I5** Sch. 6 para. 5 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

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#### Textual Amendments

**F1** Sch. 6 para. 6 repealed (1.10.2006) by Fire (Scotland) Act 2005 (Consequential Modifications and Savings) Order 2006 (S.S.I. 2006/475), art. 1, Sch. 2

- 7 (1) The Land Compensation (Scotland) Act 1973 is amended as follows.
- (2) In section 27(1) (right to home loss payment where person displaced from dwelling), in paragraph (e)—
- (a) for “section 13” substitute “ section 29 ”,
  - (b) for “1959” substitute “ 2003 (asp 8) ”.
- (3) In section 34(1) (disturbance payments for persons without compensatable interests), in paragraph (e)—
- (a) for “section 13” substitute “ section 29 ”,
  - (b) for “1959” substitute “ 2003 (asp 8) ”.
- (4) In section 36(1) (duty to rehouse residential occupiers), in paragraph (d)—
- (a) for “section 13” substitute “ section 29 ”,
  - (b) for “1959” substitute “ 2003 (asp 8) ”.

#### Commencement Information

**I6** Sch. 6 para. 7 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 8 In the Local Government (Scotland) Act 1973, Part I of Schedule 15 is repealed.

#### Commencement Information

**I7** Sch. 6 para. 8 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 9 In the Health and Safety at Work etc. Act 1974, section 75 and Schedule 7 are repealed.

#### Commencement Information

**I8** Sch. 6 para. 9 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 10 In the Control of Pollution Act 1974, in section 61(2) (which requires applications for consent under section 61 to be made at the same time as or after any application for a building control approval)—
- (a) for “warrant” in both places where it occurs substitute “ building warrant ”,
  - (b) for “section 6” substitute “ section 9 ”,
  - (c) for “1959”—
    - (i) in the first place where it occurs substitute “ 2003 (asp 8) ”,
    - (ii) in the second place where it occurs substitute “ 2003 ”.

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**Commencement Information**

**I9** Sch. 6 para. 10 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 11 In the Safety of Sports Grounds Act 1975, in section 17(1) (interpretation), in the definition of “building authority”, in paragraph (b), for “1959” substitute “ 2003 (asp 8) ”.

**Commencement Information**

**I10** Sch. 6 para. 11 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 12 (1) In the Licensing (Scotland) Act 1976, section 23 (special provisions relating to applications for new licences) is amended as follows.
- (2) In each of subsections (1), (3) and (6), for “control” substitute “ standards ”.
- (3) In subsection (3)—
- (a) for sub-paragraphs (i) and (ii) of paragraph (a) substitute—
- “(i) either that a building warrant for the construction of the premises has been granted under section 9 of the Building (Scotland) Act 2003 (asp 8) and a completion certificate has been accepted under section 18 of that Act, or that no building warrant for construction of the premises is required; and
- (ii) either that a building warrant for the conversion of the premises has been granted under section 9 of that Act or that no such warrant is required;”,
- (b) for sub-paragraphs (i) and (ii) of paragraph (b) substitute—
- “(i) that a building warrant for the construction of the premises has been granted under section 9 of that Act; and
- (ii) either that a building warrant for the conversion of the premises has been granted under section 9 of that Act, or that on completion of construction of the premises in accordance with the warrant a building warrant for the conversion of the premises will be granted, or that no such warrant is required.”,
- (c) for “said Act of 1959” in the second place where those words occur substitute “ that Act ”.

**Commencement Information**

**I11** Sch. 6 para. 12 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 13 In the Ancient Monuments and Archaeological Areas Act 1979, in Schedule 4, paragraph 6 is repealed.

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**Commencement Information**

**I12** Sch. 6 para. 13 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 14 (1) The Civic Government (Scotland) Act 1982 is amended as follows.
- (2) In section 87 (local authorities' powers in relation to buildings in need of repair)—
- (a) subsection (1) is repealed,
  - (b) in subsection (5), for “subsection (1) above” substitute “ section 28 of the Building (Scotland) Act 2003 (asp 8) ”.
- (3) In section 89 (safety of platforms etc.), in subsection (7), for the words from “the construction” to the end of the subsection substitute “ work for construction or for conversion of a building granted under section 9 of the Building (Scotland) Act 2003 (asp 8) ”.

**Commencement Information**

**I13** Sch. 6 para. 14 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 15 In the Roads (Scotland) Act 1984, in Schedule 9, paragraph 51 is repealed.

**Commencement Information**

**I14** Sch. 6 para. 15 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 16 In the Housing (Scotland) Act 1986, section 19 and paragraph 1 of Schedule 2 are repealed.

**Commencement Information**

**I15** Sch. 6 para. 16 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 17 In the Housing (Scotland) Act 1987, in Schedule 23, paragraph 8 is repealed.

**Commencement Information**

**I16** Sch. 6 para. 17 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 18 In the Fire Safety and Safety of Places of Sport Act 1987, in section 41 (interpretation of Part III), in the definition of “the building authority”, in paragraph (b), for “1959” substitute “ 2003 (asp 8) ”.

**Commencement Information**

**I17** Sch. 6 para. 18 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 19 In the Local Government Act 1988, in section 17(5) (which specifies certain matters as non-commercial matters for the purposes of section 17), in paragraph (h), for “1959” substitute “ 2003 (asp 8) ”.

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#### Commencement Information

**I18** Sch. 6 para. 19 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 20 In the Clean Air Act 1993, in section 16(5) (which modifies section 16 (height of certain chimneys) as it applies to Scotland)—
- (a) in paragraph (a), for the words from “warrant” to “1959” substitute “ building warrant under section 9 of the Building (Scotland) Act 2003 (asp 8) ”,
  - (b) in paragraph (b), for “local authority” in the second place where those words occur substitute “ verifier ”,
  - (c) in paragraph (c), for “warrant under section 6” substitute “ building warrant under section 9 ”.

#### Commencement Information

**I19** Sch. 6 para. 20 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 21 In the Local Government etc. (Scotland) Act 1994, in Schedule 13, paragraph 52 is repealed.

#### Commencement Information

**I20** Sch. 6 para. 21 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 22 In the Criminal Procedure (Scotland) Act 1995, in Schedule 9(certificates as to proof of certain routine matters)—
- (a) the entry relating to the Building (Scotland) Act 1959 (c. 24) is repealed,
  - (b) at the end, insert the following entry—

“The Building  
(Scotland) Act 2003  
(asp 8)

Section 8(1) and (2)  
(prohibition of work  
for construction or  
demolition of, or  
provision of services,  
fittings or equipment  
for, building, or  
conversion of building,  
without warrant)

An officer of a local  
authority authorised to  
do so by the authority

In relation to a building  
specified in the  
certificate, that on a  
date so specified, the  
local authority had  
not—

- (a) granted a warrant  
under section 9  
for the work or,  
as the case may  
be, conversion, or
- (b) received a copy  
of such a warrant  
granted by a  
verifier other than  
the authority

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Section 21(5) (offence of occupying building when no completion certificate has been accepted)	An officer of a local authority authorised to do so by the authority	That, on a date specified in the certificate, the local authority had not— (a) accepted under section 18(1) a completion certificate in respect of construction or conversion in relation to a building so specified, (b) received a copy of such a certificate accepted under section 18(1) by a verifier other than the authority, or (c) received a copy of a permission for temporary occupation or use of the building so specified granted under section 21(3)
Section 43(1) (offence of occupying building, following evacuation, without notice from local authority)	An officer of a local authority authorised to do so by the authority	That, on a date specified in the certificate, the local authority had not given a person notice under section 42(7)”

**Commencement Information**

**I21** Sch. 6 para. 22 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 23 In the Planning (Consequential Provisions) (Scotland) Act 1997, in Schedule 2, paragraph 6 is repealed.

**Commencement Information**

**I22** Sch. 6 para. 23 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

- 24 In the Scotland Act 1998 (Consequential Modifications) (No.2) Order 1999, in Schedule 2, paragraph 29 is revoked.

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**Commencement Information**

**I23** Sch. 6 para. 24 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

25 In section 7(3) of the Local Government in Scotland Act 2003 (section 17(5)(h) of the Local Government Act 1988 not to apply to local authorities), for “1959 (c. 24)” substitute “2003 (asp 8)”.

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**Commencement Information**

**I24** Sch. 6 para. 25 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

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