

# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Building warrants*

#### **11 Building warrants: certification of design**

- (1) On making an application under section 9 for a building warrant or for amendment of a warrant, the applicant may submit to the verifier a certificate issued by an approved certifier of design certifying (either or both)—
  - (a) that the design of the building, or of such part of it as is specified in the certificate, complies with building regulations,
  - (b) in relation to work for construction or demolition or for provision of services, fittings or equipment, that the proposed method of working, or any part of it, complies with building regulations.
- (2) In subsection (1), “design” includes the specification of the material to be used.
- (3) In determining the application, the verifier must accept the certificate as conclusive of the facts to which it relates.
- (4) Any approved certifier of design who—
  - (a) issues a certificate under subsection (1) containing a statement which the certifier knows to be false or misleading in a material particular, or
  - (b) recklessly issues a certificate under subsection (1) which is false or misleading in a material particular,is guilty of an offence.
- (5) In this section, “certificate” means a certificate which the approved certifier of design is authorised to issue—
  - (a) in the case of such a certifier appointed under section 7(1), by the terms of the certifier’s appointment,
  - (b) in the case of a person who is such a certifier by virtue of membership of a scheme approved under section 7(2), by the scheme as approved.