

Building (Scotland) Act 2003

2003 asp 8

PART 2

APPROVAL OF CONSTRUCTION WORK ETC.

Building warrants

14 Building warrants: limited life buildings

- (1) In relation to a building to be constructed in accordance with any special provisions of building regulations made by virtue of paragraph 3 of schedule 1—
 - (a) an application for a building warrant must state the period of the intended life of the building, which must not exceed the period specified in the regulations in relation to the special provisions, and
 - (b) the warrant is subject to the condition that the building is demolished by the expiry of the period stated in the application, but does not constitute a warrant for the demolition.
- (2) Where a warrant is subject to the condition specified in subsection (1)(b), the owner of the building may, before the expiry of the period specified in the warrant, or that period as extended under subsection (3), make an application to the verifier to extend, or further extend, the period.
- (3) On such an application the verifier, if it is satisfied having regard to the special provisions referred to in subsection (1) that it is proper to do so, may extend or, as the case may be, further extend the period.
- (4) The period of any such extension or further extension must not exceed the period specified in building regulations (as they have effect at the time of the application under subsection (2)) in relation to the special provisions.
- (5) Where—
 - (a) a warrant is subject to the condition specified in subsection (1)(b), and
 - (b) the owner of the building fails to demolish the building by the expiry of the period specified in the warrant (or, if that period has been extended or further extended under subsection (3), the period as so extended or further extended),the owner is guilty of an offence.

Status: This is the original version (as it was originally enacted).

- (6) Any person who, after the expiry of the period specified in a warrant by virtue of subsection (1)(b) (or, if that period has been extended or further extended under subsection (3), the period as so extended or further extended), occupies or uses the building to which the warrant relates (other than solely for the purposes of its demolition)—
- (a) knowing that the period has expired, or
 - (b) without any regard for whether the period has expired,
- is guilty of an offence.
- (7) A person guilty of an offence under subsection (6) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.
- (8) Whether or not a local authority has exercised or proposes to exercise any of its other powers under this Act the authority may, by means of an application for interdict, seek to restrain or prevent any actual or apprehended occupation or use of a building which constitutes, or would constitute, an offence under subsection (6).
- (9) On such an application the court may grant such interdict as it thinks appropriate for the purpose of restraining or preventing the occupation or use.
- (10) In subsection (9), “the court” means the Court of Session or the sheriff.