

# Building (Scotland) Act 2003

## 2003 asp 8

### PART 3

#### COMPLIANCE AND ENFORCEMENT

#### **25 Building regulations compliance**

- (1) This section applies where the Scottish Ministers consider that, for any of the purposes of—
  - (a) securing the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings,
  - (b) furthering the conservation of fuel and power, and
  - (c) furthering the achievement of sustainable development,buildings of any description to which building regulations apply ought to comply with a provision of the regulations.
- (2) Where this section applies, the Scottish Ministers may direct all local authorities, particular local authorities or local authorities of a particular description to secure that such buildings comply with that provision of the regulations.
- (3) A local authority must, if required to do so by a direction under subsection (2) and may, in any other case where it appears to the authority that a building of a description specified in such a direction does not comply with a provision of the building regulations specified in the direction in relation to buildings of that description, serve on the owner of the building a notice (a “building regulations compliance notice”)—
  - (a) specifying the provision of the regulations in question,
  - (b) requiring the owner to secure, by such date (not less than 28 days after the date on which the notice takes effect) as the notice may specify, that the building complies with that provision,
  - (c) specifying any particular steps which the authority requires the owner to take for that purpose, and
  - (d) specifying the date on which the notice is to take effect.

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*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 25. (See end of Document for details)*

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- (4) Subject to subsection (8), nothing in this section affects any requirement to obtain a building warrant (where one is required) for work required to comply with a building regulations compliance notice.
- (5) Where a local authority serving a building regulations compliance notice is a verifier authorised to exercise functions in relation to the matter in question, the notice may require—
- (a) any application for a building warrant for work required to comply with the notice to be made, and
  - (b) any completion certificate in respect of such work to be submitted, to the authority.
- (6) If, by the date specified under subsection (3)(b) (or such later date as the local authority may have substituted under subsection (9)(b)), the owner has—
- (a) applied for a building warrant in respect of any work required to comply with the notice, and
  - (b) (if the local authority is not the verifier to which the application is made) notified the authority of the making of the application,
- the notice has effect with the substitution for the date or later date of such other date (not less than 28 days after the date on which the verifier’s decision on the application takes effect) as the local authority may specify.
- (7) If, by the date specified under subsection (3)(b) (or such later date as may have substituted under subsection (6) or (9)(b)), the owner has not complied with the notice—
- (a) the owner is guilty of an offence, and
  - (b) the authority may carry out such work as is necessary to make the building comply with the provision of building regulations specified in the notice and may recover from the owner any expenses reasonably incurred by it in doing so.
- (8) A building warrant is not required for the carrying out of work by a local authority under subsection (7)(b) but, after the completion of such work, the local authority must register in the building standards register a completion certificate certifying that the building complies with the provision of building regulations specified in the notice in question.
- (9) The local authority may—
- (a) withdraw a building regulations compliance notice,
  - (b) waive or relax any requirement of such a notice, including substituting a later date for the date specified under subsection (3)(b) or (6),
- whether or not the notice has taken effect.
- (10) The withdrawal of a building regulations compliance notice does not affect the power of the local authority to issue a further such notice.

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**Commencement Information**

**II** S. 25 in force at 1.5.2005 by S.S.I. 2004/404, art. 2(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 25.