



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Entry, inspection and tests*

#### **40 Work required by notice: right of entry**

- (1) This section applies where a person is required by a building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice or a dangerous building notice to carry out any work (including demolition) in relation to a building.
- (2) The person, if not in occupation of the building, is entitled to enter the building and any land adjacent to it and held in connection with it for the purpose of complying with the requirement.
- (3) The person must give the occupier reasonable notice before exercising the right conferred by subsection (2).
- (4) That right applies despite any term to the contrary in any lease or other contract.

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#### **Commencement Information**

**II** S. 40 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 40.