



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Building warrants*

### **8 Building warrants**

- (1) A warrant granted under section 9 (a “building warrant”) is required for—
  - (a) any work for—
    - (i) the construction or demolition of, or
    - (ii) the provision of services, fittings or equipment in or in connection with,  
a building of a description to which building regulations apply,
  - (b) any conversion of a building.
- (2) Where such work is carried out, or such a conversion is made—
  - (a) without a building warrant, or
  - (b) in a case where a building warrant has been granted, otherwise than in accordance with the warrant,the persons specified in subsection (3) are guilty of an offence.
- (3) Those persons are—
  - (a) any person carrying out the work or, as the case may be, making the conversion,
  - (b) any person on whose behalf the work is being carried out or, as the case may be, the conversion is being made,
  - (c) if the owner of the building does not fall within paragraph (a) or (b), the owner.
- (4) In any proceedings against a person referred to in subsection (3)(a) for an offence under subsection (2)(a), it is a defence for the accused to show that before the work was carried out or the conversion was made a person referred to in subsection (3)(b) or (c) had given the accused reasonable cause to believe that a building warrant had been granted for the work or the conversion.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In any proceedings against a person referred to in subsection (3)(b) or (c) for an offence under subsection (2)(b), it is a defence for the accused to show that at the time of the alleged commission of the offence the accused did not know, and had no reasonable cause to know, that the work was being carried out or the conversion made otherwise than in accordance with the warrant.
- (6) In any proceedings against a person referred to in subsection (3)(c) for an offence under subsection (2)(a), it is a defence for the accused to show that at the time of the alleged commission of the offence the accused did not know, and had no reasonable cause to know, that the work was being carried out or the conversion made.
- (7) The accused is to be taken to have shown the fact specified in subsection (4) or, as the case may be, (5) or (6) if—
  - (a) sufficient evidence is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved by the prosecution beyond reasonable doubt.
- (8) Subsection (1) does not apply in relation to—
  - (a) such work or conversions,
  - (b) such buildings or descriptions of building,
  - (c) such services, fittings or equipment,as building regulations may specify.
- (9) A building warrant has effect for the benefit of the building to which it relates and of all persons for the time being having an interest in it.