Building (Scotland) Act 2003

2003 asp 8

PART 2

APPROVAL OF CONSTRUCTION WORK ETC.

Completion certificates

17 Completion certificates

(1) After the completion of the work or conversion in respect of which a building warrant has been granted, the relevant person must submit to the verifier a completion certificate certifying the matters specified in subsection (2).

(2) Those matters are—

(a) that the work was carried out or, as the case may be, the conversion was made in accordance with the building warrant, and

(b) that—

(i) in the case of work for the construction of a building, the building as constructed complies with building regulations,

(ii) in the case of work for the provision of services, fittings or equipment in or in connection with a building, the services, fittings or equipment provided comply with building regulations,

(iii) in the case of conversion of a building, the building as converted complies with building regulations.

(3) In subsection (2), the references to building regulations are to those regulations as they applied for the purposes of the building warrant.

(4) Where—

(a) work for which a building warrant is required under section 8 has been carried out, or

(b) a conversion of a building for which a building warrant is required under that section has been made,

without a building warrant, the relevant person must submit to a verifier a completion certificate certifying the matters specified in subsection (5).

(5) Those matters are—

(a) that the work was carried out or, as the case may be, the conversion was made in accordance with building regulations, and

(b) that—

(i) in the case of work for the construction of a building, the building as constructed complies with building regulations,

(ii) in the case of work for the provision of services, fittings or equipment in or in connection with a building, the services, fittings or equipment comply with building regulations,

(iii) in the case of conversion of a building, the building as converted complies with building regulations.

(6) In subsection (5), the references to building regulations are to those regulations as they have effect on the date on which the completion certificate is submitted under subsection (4).

(7) After the completion of the work required by—

(a) a building regulations compliance notice or a defective building notice, in a case where no building warrant is required,

(b) a continuing requirement enforcement notice, or

(c) a dangerous building notice,

the owner of the building in question must submit to a verifier a completion certificate certifying that the work has been completed in accordance with the requirements of the notice.

(8) Subsection (7) does not apply in relation to work carried out by a local authority under section 25(7)(b), 26(3)(b), 28(10)(b) or 30(4)(b).

(9) A completion certificate submitted to a verifier in pursuance of a building warrant enforcement notice under section 27(2)(a) must certify that the building in question complies with building regulations as those regulations have effect on the date on which the certificate is submitted.

(10) In this section, the relevant person, in relation to a building, is—

(a) where the work was carried out, or the conversion made, otherwise than on behalf of another person, the person who carried out the work or made the conversion,

(b) where the work was carried out, or the conversion made, by a person on behalf of another person, that other person,

(c) if the owner of the building does not fall within paragraph (a) or (b) and the person required by those paragraphs to submit the completion certificate has failed to do so, the owner.

Commencement Information

I1 S. 17 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

18 Completion certificates: acceptance and rejection

(1) A verifier must accept or reject a completion certificate submitted to it under this Act.

(2) The verifier must accept the certificate if, but only if, after reasonable inquiry, it is satisfied as to the matters certified in the certificate.

(3) Before accepting a completion certificate—

(a) relating to a building, or

(b) in respect of work or a conversion,

of such description as procedure regulations may specify, the verifier must consult such persons as may be so specified.

(4) Where a verifier accepts or rejects a completion certificate the verifier must—

(a) send a copy of the certificate, together with—

(i) in the case of an accepted certificate, a copy of any continuing requirements imposed under section 22, and

(ii) such other documents and information as may be specified in procedure regulations,

to the local authority for registration in the building standards register, and

(b) notify the owner of the building of—

(i) the acceptance or rejection of the certificate, and

(ii) in the case of an acceptance, the imposition of any continuing requirements under section 22,

unless the owner is the person who submitted the certificate.

(5) Subsection (4)(a) does not apply where the verifier is the local authority.

Commencement Information

I2 S. 18 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

19 Completion certificates: certification of construction

(1) On submitting a completion certificate to a verifier under this Act, the person submitting the completion certificate may submit to the verifier a certificate issued by an approved certifier of construction certifying in relation to the building in question that such construction as is specified in the certificate complies with building regulations.

(2) In subsection (1), the reference to building regulations is—

(a) in relation to a completion certificate submitted under subsection (1) of section 17, to those regulations as they applied for the purposes of the building warrant,

(b) in relation to a completion certificate submitted under subsection (4) of that section, to those regulations as they have effect on the date on which the completion certificate is submitted.

(3) In determining whether or not to accept the completion certificate, the verifier must accept the certificate of the approved certifier of construction as conclusive of the facts to which it relates.

(4) Any approved certifier of construction 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", in relation to construction, means a certificate which the approved certifier of construction 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,

"construction" includes any building or work in relation to a building and includes services, equipment and fittings provided in or in connection with a building.

Commencement Information

I3 S. 19 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

20 Completion certificates: offences

(1) Any person who, under this Act—

(a) submits to a verifier a completion certificate containing a statement which that person knows to be false or misleading in a material particular, or

(b) recklessly submits to a verifier a completion certificate containing a statement which is false or misleading in a material particular,

is guilty of an offence.

(2) Any verifier who accepts a completion certificate submitted to it under this Act knowing that the certificate contains a statement which is false in a material particular is guilty of an offence.

Commencement Information

I4 S. 20 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

21 Occupation or use without completion certificates

(1) This section applies to a building which is being, or has been, constructed or converted—

(a) by virtue of a building warrant or,

(b) in a case where such a warrant is required under section 8, without such a warrant,

if the condition specified in subsection (2) is satisfied.

(2) That condition is that no completion certificate has been accepted in respect of the construction or conversion under section 18(1).

(3) On an application made to the verifier—

(a) where the construction or conversion is being, or has been, carried out otherwise than on behalf of another person, by the person carrying out, or who carried out, the construction or conversion,

(b) where the construction or conversion is being, or has been, carried out by a person on behalf of another person, by that other person,

(c) in any case, by the owner of the building in question,

the verifier may grant permission for the temporary occupation or use of the building during such period as is specified in the permission and must, where it does so, send a copy of the permission to the local authority (unless the verifier is the local authority).

(4) The period specified in a permission under subsection (3) may be extended from time to time on a further application under that subsection.

(5) Any person who occupies or uses a building to which this section applies (other than solely for the purpose of its construction or conversion)—

(a) knowing that no completion certificate has been accepted under section 18(1) in respect of the construction or conversion, or

(b) without any regard for whether a completion certificate has been so accepted,

is guilty of an offence unless the occupation or use is authorised by a permission granted under subsection (3).

(6) A person guilty of an offence under subsection (5) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum,

(b) on conviction on indictment, to a fine.

(7) 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 (5).

(8) 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.

(9) In subsection (8), “the court” means the Court of Session or the sheriff.

(10) In the application of this section to a building which is being or has been converted, references to occupation or use of the building are to the changed occupation or use.

(11) In this section, references to construction do not include alteration.

Commencement Information

I5 S. 21 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, Cross Heading: Completion certificates.