



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 5

#### GENERAL

##### *Evacuation of buildings*

#### **42 Evacuation of buildings**

- (1) Where a local authority considers that the occupants of a dangerous building or any adjacent building are endangered by the state of the dangerous building, the authority must require those occupants to remove immediately from the building in question.
- (2) A local authority must require the occupants of a dangerous building to remove immediately from the building if—
  - (a) it intends to demolish the building under subsection (2) or (3) of section 29, or
  - (b) it intends to carry out other work under either of those subsections and considers that the occupants may be endangered by the carrying out of the work.
- (3) A local authority must require the occupants of a dangerous building to remove from the building if the building is to be demolished in pursuance of a dangerous building notice.
- (4) A local authority must require the occupants of a building to remove from the building if—
  - (a) it intends to carry out work under section 25(7)(b), 26(3)(b), 27(7)(b), 28(10)(b) or 30(4)(b), and
  - (b) the authority considers that the occupants may be endangered by the carrying out of the work.
- (5) A requirement under subsection (3) or (4) must be made by notice in writing specifying—
  - (a) the reason for the requirement, and
  - (b) the period within which the occupants must remove from the building.

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

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- (6) Subsection (7) applies where, following a requirement under this section, a person has removed from a building in compliance with the requirement or has been ejected from the building under schedule 5.
- (7) If the local authority considers that—
- (a) the ground for making the requirement no longer exists, and
  - (b) if the person were to resume occupation of the building, there would be no other ground for making a requirement under this section in relation to the person,
- the authority must (unless the building has been demolished) give the person notice to that effect.
- (8) Schedule 5 makes provision about the evacuation of buildings for the purposes of this section.

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**Commencement Information**

**I1** S. 42 in force at 1.5.2005 by [S.S.I. 2004/404](#), [art. 2\(1\)](#)

**43 Unlawful occupation of evacuated buildings**

- (1) Any person who—
- (a) has removed from a building in compliance with a requirement under section 42, or has been ejected from a building under schedule 5, and
  - (b) thereafter occupies the building,
- is guilty of an offence unless notice under section 42(7) has been given to the person.
- (2) A person guilty of an offence under subsection (1) is liable—
- (a) on summary conviction to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.

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**Commencement Information**

**I2** S. 43 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: Evacuation of buildings.