



Building (Scotland) Act 2003

2003 asp 8

PART 5

GENERAL

Appeals

47 Appeals

- (1) This subsection applies to—
- (a) a decision under section 3 refusing an application for a direction dispensing with or relaxing a provision of building regulations,
 - (b) a decision of a verifier under section 9 refusing to grant a building warrant or an amendment to the terms of a warrant,
 - (c) a decision of a verifier under section 14 refusing to extend the period for the demolition of a building intended to have a limited life,
 - (d) a decision of a verifier under section 18 rejecting a completion certificate,
 - (e) a decision of a verifier under section 22 imposing continuing requirements,
 - (f) a decision of a verifier under section 23 refusing to discharge or vary a continuing requirement,
 - (g) a building regulations compliance notice, a continuing requirement enforcement notice, a building warrant enforcement notice, a defective building notice and a dangerous building notice.
- [^{F1}(h) any charging order made under section 46A.]
- (2) Where a verifier has not, within such period as may be specified in procedure regulations or such extended period as may at any time be agreed between the verifier and the owner of a building, determined—
- (a) an application for a building warrant or for an amendment to a building warrant,
 - (b) an application to extend the period for the demolition of a building intended to have a limited life,
 - (c) whether to accept or reject a completion certificate submitted to it, or
 - (d) an application for discharge or variation of a continuing requirement imposed under section 22,

Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 2003, Section 47. (See end of Document for details)

the verifier is deemed, for the purposes of subsection (1), to have taken a decision of a description specified in paragraph (b), (c), (d) or, as the case may be, (f) of that subsection on the last day of the specified period or extended period.

- (3) Any person aggrieved by a decision^[F2], notice or order] to which subsection (1) applies may, by summary application made within 21 days of the date of the decision^[F2], notice or order], appeal to the sheriff.
- [F3(3A) On any appeal made by virtue of subsection (3) in relation to a charging order made under section 46A, no question may be raised which might have been raised on an appeal against the original notice or decision requiring the execution of the works to which the charging order relates.]
- (4) A decision^[F4], notice or order] to which subsection (1) applies is of no effect until—
- (a) the period within which an appeal may be brought under subsection (3) has elapsed without an appeal being brought, or
 - (b) where such an appeal is brought, the appeal is withdrawn or finally determined.
- (5) Despite subsection (4), a provision of a building warrant enforcement notice made in pursuance of subsection (5)(c) of section 27—
- (a) has effect as soon as the notice is served, and
 - (b) where an appeal is brought under subsection (3) of this section, continues to have effect (regardless of the terms of the notice), unless quashed by an order of the sheriff under subsection (6), until the enforcement notice has been complied with.
- (6) On an appeal under this section the sheriff may make such order as the sheriff thinks fit.
- (7) The decision of the sheriff on an appeal under this section is final.

Textual Amendments

- F1** S. 47(1)(h) inserted (24.1.2015) by Buildings (Recovery of Expenses) (Scotland) Act 2014 (asp 13), **ss. 1(c)(i)**, 3(2)
- F2** Words in s. 47(3) substituted (24.1.2015) by Buildings (Recovery of Expenses) (Scotland) Act 2014 (asp 13), **ss. 1(c)(ii)**, 3(2)
- F3** S. 47(3A) inserted (24.1.2015) by Buildings (Recovery of Expenses) (Scotland) Act 2014 (asp 13), **ss. 1(c)(iii)**, 3(2)
- F4** Words in s. 47(4) substituted (24.1.2015) by Buildings (Recovery of Expenses) (Scotland) Act 2014 (asp 13), **ss. 1(c)(iv)**, 3(2)

Commencement Information

- I1** S. 47 in force at 1.5.2005 by S.S.I. 2004/404, **art. 2(1)**

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