
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 428

The Building (Procedure) (Scotland) Regulations 2004

**PART I
GENERAL**

Citation and commencement

- 1.—(1) These Regulations may be cited as the Building (Procedure) (Scotland) Regulations 2004.
(2) Subject to paragraph (3) below, these Regulations shall come into force on 1st May 2005.
(3) Part 1 of these Regulations and regulations 30, 31, 35, 36, 37 and 38 shall come into force on 4th November 2004.

Interpretation

- 2.—(1) In these Regulations, unless the context otherwise requires—
“the Act” means the Building (Scotland) Act 2003;
“application for a direction” means an application under section 3 of the Act to the Scottish Ministers for a direction;
“application for a building warrant” includes an application for amendment of a warrant;
“building regulations” means the Building (Scotland) Regulations 2004(1);
“date of receipt” means the date of the day on which the application or other document is received except that when that day is not a working day the date of receipt shall be deemed to be the next working day after that date, and “working day” means a day which is not a Saturday, Sunday, Christmas Eve, a bank holiday in Scotland under the Banking and Financial Dealings Act 1971(2), a day appointed for public thanksgiving or mourning, or any other day which is a local or public holiday in an area where the application or other document is received;
“direction” means a direction under section 3 of the Act by the Scottish Ministers dispensing with or relaxing a provision of the building regulations, given either unconditionally or subject to such conditions specified in the direction and includes a direction given under section 3(4) (c) of the Act varying or revoking a direction under section 3(2) of the Act;
“draft direction” means a draft of any direction proposed to be given by the Scottish Ministers;
“fire authority” has the same meaning as in the Fire Services Act 1947(3);
“plan” includes section, elevation, drawing and block plan, and any specification or other written or figured statement submitted to the Scottish Ministers, a verifier or a local authority as relative to a plan, section, elevation or drawing;
“prescribed fee” means a fee prescribed by regulations made under section 38 of the Act;

(1) S.S.I. 2004/406.
(2) 1971 c. 80.
(3) 1947 c. 41.

“prescribed form” means a form prescribed by regulations made under section 36 of the Act.

(2) Any reference in these Regulations to a Part, regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to a Part or regulation of or a Schedule to these Regulations.

(3) Any document which, by virtue of these Regulations, may, or must, be transmitted whether or not by means of submission may be transmitted by post or, where the condition set out in paragraph (4) below is satisfied, by electronic communication.

(4) That condition is that the person to whom the transmission is to be made has, in advance, indicated that transmission by electronic communication would be acceptable.

(5) Any reference in these Regulations to an application, certificate, statement or plan being signed shall where the application, certificate, statement or plan is being submitted by electronic communication include on the application, certificate, statement or plan the electronic signature of the applicant or a duly authorised agent provided the verifier, local authority or Scottish Ministers as the case may be have first confirmed that such is acceptable and “electronic communication” has the same meaning as in the Electronic Communications Act 2000(4).

(4) 2000 c. 7.