



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART VIII

#### BUILDINGS, ETC.

#### **89 Safety of platforms etc.**

- (1) No person shall use or permit the use of a raised structure for the purpose of providing for himself or others raised seated or standing accommodation, unless such use has been approved by the local authority in whose area the raised structure is situated.
- (2) In this section a “raised structure” means a platform, stand, staging or other similar structure.
- (3) The local authority shall grant their approval of the use of a raised structure under subsection (1) above if they are satisfied that it—
  - (a) has been safely constructed and secured; and
  - (b) has sufficient means of entrance and exit including means of escape in case of fire or other emergencyin relation to the circumstances in which it is to be used; but not otherwise.
- (4) If the local authority are not the fire authority (being the authority discharging in the area of the local authority the functions of fire authority under the Fire Services Acts 1947 to 1959), they shall consult the fire authority before reaching their decision under subsection (3)(b) above.
- (5) The local authority may, when granting their approval of the use of a raised structure under this section or at any other time thereafter, impose by notice served on the person to whom approval is being or, as the case may be, has been granted such conditions as they think necessary relating to such use, and the conditions may include a condition as to the maximum number of persons permitted to use the raised structure and a prohibition on its use for so long as the conditions contained in the notice have not been complied with.
- (6) Any person who—

*Status: Point in time view as at 05/11/1993. This version of this provision has been superseded.*

**Changes to legislation:** Civic Government (Scotland) Act 1982, Section 89 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) uses or permits the use of a raised structure for the purpose of providing for himself or others raised seated or standing accommodation without the approval of the local authority under subsections (1) and (3) above; or
- (b) contravenes a condition contained in a notice served on him under subsection (5) above

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 4 on the standard scale].

(7) This section shall not apply to—

- (a) any structure in respect of which a building warrant has been granted;
- (b) any structure in respect of which such a warrant, by reason only of the date when it was built, was not required; or
- (c) scaffolding or similar equipment used in connection with work on a building or other structure.

In this subsection, “building warrant” means a warrant for the construction or the change of use of a building granted under section 6 of the <sup>M1</sup>Building (Scotland) Act 1959 (application of building standards regulations and building operations regulations to construction or demolition, and to change of use, of buildings).

- (8) Nothing in this section affects any requirement to obtain approval or any other obligation imposed by or by virtue of any other enactment.
- (9) The local authority shall charge such fees in respect of the discharge of their functions under this section as may be resolved by them from time to time and shall seek to ensure that the total amount of such fees is sufficient to meet the expenses incurred by them in that respect.
- (10) In this section, “local authority” means a district or islands council except that, in the case of a district situated within the Highland, Borders or Dumfries and Galloway region, it means the council of that region.

#### Textual Amendments

**F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Modifications etc. (not altering text)

**C1** S. 89 restricted by [Fire Safety and Safety of Places of Sport Act 1987 \(c. 27, SIF 45A\)](#), ss. 26(1), 33(1) (c)

#### Marginal Citations

**M1** 1959 c. 24.

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