



Building (Scotland) Act 1959

1959 CHAPTER 24

PART I

BUILDINGS AUTHORITIES

1 Constitution of buildings authorities

- (1) For every burgh and the landward area of every county there shall be an authority (in this Act referred to as "the buildings authority ") who shall have in relation to that burgh or, as the case may be, the landward area of that county the jurisdiction and functions conferred on them by this Act.
- (2) For a burgh having a dean of guild court which immediately before the commencement of this Act exercised jurisdiction in respect of the construction of buildings throughout the burgh, and for any burgh constituted after the commencement of this Act, the buildings authority shall be the dean of guild court of the burgh.
- (3) For a burgh not falling within the last foregoing subsection and for the landward area of a county the buildings authority shall consist of not less than three persons appointed by the local authority from among their own number.
- (4) The jurisdiction and functions conferred by this Act on a buildings authority which is a dean of guild court shall be in lieu of any jurisdiction or functions which would be exercisable by the court apart from this Act, whether by custom or by virtue of any enactment, except so far as—
 - (a) conferred by the enactments specified in the First Schedule to this Act, or
 - (b) relating to matters of private right;and in relation to the area of any such buildings authority the provisions of this Act shall be in lieu of any enactment or rule of law in force immediately before the commencement of this Act making it unlawful to erect, alter, repair or otherwise deal with a building, or occupy a building in any particular way, without the sanction of the dean of guild court for that area.
- (5) References in this Act to—

Status: This is the original version (as it was originally enacted).

- (a) the area of a buildings authority are references to the burgh or, as the case may be, the landward area of the county for which the buildings authority is constituted under this Act;
- (b) the buildings authority in relation to any particular building or place are references to the buildings authority whose area includes the building or place.

2 General provisions relating to buildings authorities

- (1) The following provisions of the Local Government (Scotland) Act, 1947, that is to say, subsections (5) to (9) of section three hundred and twenty-one, subsection (5) of section three hundred and twenty-two and section three hundred and twenty-three (which relate to the proceedings of dean of guild courts), section three hundred and twenty-six (which relates to the clerks of such courts), section three hundred and twenty-seven (which relates to the holding of meetings of such courts) and section three hundred and twenty-eight (which relates to the expenses of such courts) shall have effect for the purposes of this Act in relation to a buildings authority which is a dean of guild court (being a court to which, immediately before the commencement of this Act, these provisions applied) as they have effect in relation to that court for purposes other than those of this Act:

Provided that the said section three hundred and twenty-six as applied by this subsection shall have effect with the omission, in subsection (1) thereof, of the words "and the burgh prosecutor shall act as prosecutor in the dean of guild court"

- (2) In relation to a buildings authority which is a dean of guild court to which immediately before the commencement of this Act the said provisions of the Local Government (Scotland) Act, 1947, did not apply, the foregoing subsection shall have effect with the substitution for references to the said provisions of references to the corresponding provisions, if any, of any local Act which immediately before the commencement of this Act applied to that court.
- (3) The provisions of the Second Schedule to this Act shall have effect in relation to a buildings authority which is not a dean of guild court.
- (4) The Secretary of State may by regulations make supplementary provision with respect to the constitution of buildings authorities which are not dean of guild courts and with respect to the procedure of buildings authorities, whether dean of guild courts or not; and such regulations may, without prejudice to the foregoing generality.—
- (a) provide for the matters specified in the Third Schedule to this Act, and
 - (b) in relation to a buildings authority which is a dean of guild court, provide that where, in the case of any building, matters come before the court both under this Act and otherwise than under this Act they may be dealt with by the court in conjunction.
- (5) Regulations made under this section may provide for a combination in one document of—
- (a) any application required or authorised under this Act to be made, and
 - (b) any application such as is mentioned in subsection (2) of section ninety-eight of the Town and Country Planning (Scotland) Act, 1947 ;

for the making of such combined application in such form and manner, and to such authority, as may be prescribed by the regulations ; and for the transmission of copies of the application by that authority to such other authorities or persons as may be so prescribed.

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- (6) Subsections (3) and (4) of the said section ninety-eight shall have effect in relation to regulations made under the last foregoing subsection as they have effect in relation to regulations made under subsection (2) of the said section ninety-eight.