

# **BUILDING (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **THE ACT - AN OVERVIEW**

#### **Part 3: Compliance and Enforcement**

##### ***Section 27: Building warrant enforcement notices***

79. This section makes provision for local authorities to take enforcement action where it appears to them that work in respect of a building has been carried out without a warrant or not in accordance with a warrant or where a building with a limited lifespan has not been demolished by the due date (*subsection (1)*).
80. Under *subsection (2)* a local authority may serve a notice requiring the relevant person, as appropriate, to obtain a building warrant, obtain acceptance of a completion certificate, secure that the work conforms to a warrant or obtain an amendment to a warrant, or demolish the building. Such notices can be served only in the circumstances set out in subsection (1). The obtaining of a building warrant or an amendment to a building warrant, or the submission of a completion certificate, in compliance with the notice does not affect any liability incurred under section 8(2).
81. *Subsection (3)* defines *the relevant person* for the purposes of section 27.
82. *Subsection (4)* provides that where the local authority issuing such a notice is a verifier, the notice may require any relevant building warrant application or completion certificate to be submitted to that local authority, as opposed to any other verifier.
83. *Subsection (5)* sets out the information which must or may be contained in such notices. *Subsection (6)* makes allowance for the timescales for compliance to be altered if an application is made under section 3 for a direction dispensing with or relaxing building regulations.
84. *Subsection (7)* creates an offence where the person on whom the notice is served has not complied with the notice by the set date and in such cases allows local authorities to carry out the work specified in the notice or to secure that the work complies with building regulations and to recover the costs from the person of carrying out that work.
85. *Subsection (8)* provides that a local authority does not have to apply for a building warrant where it is carrying out work to comply with a building warrant enforcement notice because the owner has not done so by the set date. The authority must, however, register a completion certificate in the building standards register to certify that the work complies with the building regulations, or that the necessary work has been carried out.
86. *Subsection (9)* makes provision for a local authority to withdraw or amend a building warrant enforcement notice before or after it has taken effect. *Subsection (10)* provides that a local authority may issue a further such notice even if it has already withdrawn one.