



# Building (Scotland) Act 2003

## 2003 asp 8

### PART 2

#### APPROVAL OF CONSTRUCTION WORK ETC.

##### *Building warrants*

#### **9 Building warrants: grant and amendment**

- (1) A verifier must, on an application for a building warrant made to it, grant a building warrant if, but only if, it is satisfied as to the matters specified in subsection (2).
- (2) Those matters are—
  - (a) so far as the application is for a warrant for the construction or demolition of a building—
    - (i) that the work involved will be carried out in accordance with building regulations, and
    - (ii) where the work is for the construction of a building, that nothing in any plan, specification or other information submitted with the application indicates that the building when constructed will fail to comply with building regulations,
  - (b) so far as the application is for a warrant for the provision of services, fittings or equipment in or in connection with a building—
    - (i) that the work involved will be carried out in accordance with building regulations, and
    - (ii) that nothing in any plan, specification or other information submitted with the application indicates that the services, fittings or equipment will fail to comply with building regulations,
  - (c) so far as the application is for a warrant for conversion of a building, that after the conversion the building as converted will comply with building regulations.
- (3) Subsection (4) applies where, on an application for a building warrant for the construction or demolition of a building, the verifier is not satisfied that the information submitted with the application is sufficient, in relation to a stage in

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*Status: This is the original version (as it was originally enacted).*

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the construction or demolition specified in procedure regulations, to show that the building when constructed or the demolition will comply with building regulations.

- (4) Where this subsection applies, the verifier may grant a building warrant for the construction or demolition of the building subject to the condition that work on the stage in question is not to be proceeded with until—
  - (a) such further information relating to that stage as the verifier may require is submitted to it,
  - (b) it is satisfied, on the basis of that information, as to the matter specified in subsection (3), and
  - (c) it has made an amendment to the warrant authorising the work to proceed.
- (5) Subsection (6) applies where—
  - (a) a building warrant has been granted, and
  - (b) before any completion certificate has been accepted in relation to the building in respect of the work or conversion, an application is made to the verifier for an amendment to the warrant.
- (6) Where this subsection applies, the verifier must make the amendment if, but only if, it continues to be satisfied as to the matters specified in subsection (2), taking into account the proposed amendment and any plan, specification or other information submitted with the application for the amendment.
- (7) Where a verifier grants, or makes an amendment to, a building warrant under this section the verifier must—
  - (a) send a copy of the warrant or amendment, together with—
    - (i) a copy of any continuing requirements imposed under section 22, and
    - (ii) such other documents and information as may be specified in procedure regulations,to the local authority for registration in the building standards register, and
  - (b) notify the owner of the building of the granting of the warrant or the making of the amendment and of the imposition of any continuing requirements under section 22, unless the owner is the person who applied for the warrant or amendment.
- (8) Subsection (7)(a) does not apply where the verifier is the local authority.
- (9) References in this section and sections 10 to 14 (other than section 14(4)) to building regulations are to those regulations as they have effect at the time of the application under subsection (1) for the building warrant in question but subject, in relation to an application for an amendment to a warrant, to any later direction under section 3(2) in force in relation to the building in question or buildings of the same description.
- (10) This section and section 10 are without prejudice to any enactment (other than this Act) conferring power on a local authority to refuse to grant a building warrant in particular circumstances.