



Housing (Scotland) Act 1986

1986 CHAPTER 65

Amendment of Building (Scotland) Act 1959

19 Amendment of Building (Scotland) Act 1959

- (1) The Building (Scotland) Act 1959 shall be amended in accordance with the following provisions of this section.
- (2) In section 3 (4) (b) (circumstances in which building standards regulations are not to apply), after the words " exempted classes " there shall be inserted the words " , to such extent as may be specified in the regulations ".
- (3) For section 4B (power of Secretary of State to approve types of building, etc.), there shall be substituted the following section—

“4B Class warrants.

- (1) The following provisions of this section shall have effect with a view to enabling the Secretary of State, on an application being made to him under this section, to issue a certificate (to be known as a " class warrant") that a particular design (including specification of materials) of building conforms, either generally or in any class of case, to particular provisions of the building standards regulations.
- (2) A person intending to apply for a class warrant under this section shall send a copy of the prospective application in the prescribed manner to a body designated by the Secretary of State which, if it is satisfied that the design in respect of which the warrant is sought conforms to the building standards regulations, shall recommend that the class warrant be issued.
- (3) An application to the Secretary of State for a class warrant under this section shall be made in the prescribed manner and shall be accompanied by a relevant recommendation made under subsection (2) above.
- (4) The Secretary of State may, where a recommendation under subsection (2) above is made in respect of a design of building, issue a class warrant in

respect of that design ; and a class warrant so issued shall be accepted by a local authority as conclusive of the matters stated therein.

- (5) A body designated under subsection (2) above may charge such fee for considering a design in respect of which a copy application has been sent to it under that subsection as may be agreed between the applicant and the body.
- (6) A class warrant shall, if it so provides, cease to have effect at the end of such period as may be specified in it.
- (7) The Secretary of State may at any time vary or revoke a class warrant; but before doing so he shall give the person on whose application it was issued reasonable notice that he proposes so to do.
- (8) Where the Secretary of State varies or revokes a class warrant he shall publish notice of that fact in such manner as he thinks fit.
- (9) There may be prescribed—
 - (a) the type, part or parts of building to which the provisions of this section shall apply ;
 - (b) the terms and conditions on which a class warrant may be issued ;
 - (c) procedures incidental to any provisions of this section;
 - (d) the fee, if any, to be charged for issuing a class warrant;
 - (e) any variations in the design of building which will be permitted.
- (10) Where a fee is chargeable by virtue of subsection (9)(d) above, the regulations under which it is chargeable may make different provision (which, without prejudice to the generality of this subsection, may include provision for remission of the fee in whole or in part) for—
 - (a) different cases or classes of case ; or
 - (b) different circumstances or classes of circumstances,
 (difference being determined by reference to any factor or factors whatsoever).”.

(4) After section 6 there shall be inserted the following section—

“6AA Self-certification of design.

- (1) On making an application for a warrant under section 6 of this Act, an applicant may submit a certificate issued under this section certifying that the design (including the specification of material to be used) of the building complies with building standards regulations prescribed under paragraph (a) of subsection (2) below ; and in determining whether to issue the warrant, the local authority shall accept the certificate as conclusive of the facts to which it relates.
- (2) There may be prescribed—
 - (a) the part or parts of the building standards regulations in relation to which a certificate under this section may be submitted and different provision may be made in respect of different parts of the regulations and in respect of different types of building ;
 - (b) whether or not by reference to specific criteria, such person or persons as shall be entitled to issue such certificate ;

- (c) the form of such certificate ;
 - (d) the drawings, plans, specifications or other material which shall be submitted with the certificate.”.
- (5) In section 9 (certificate of completion), after subsection (2) there shall be inserted the following subsection—
- “(2A) Where the Secretary of State has issued a relevant class warrant, a local authority shall grant a certificate of completion in respect of any building unless—
- (i) the approved design (or an approved variation) has not been complied with whether by reason of faulty workmanship or otherwise; or
 - (ii) the building standards regulations in relation to any part of the building to which section 4B of this Act does not apply have not been complied with.”.
- (6) For section 20 (fees chargeable by local authorities) there shall be substituted the following section—

“20 Fees chargeable by local authorities.

- (1) A local authority may in respect of the performance of their functions under this Act charge such fees as may be prescribed; but there may also be prescribed cases or classes of case for which, or circumstances or classes of circumstances where, no fee shall be chargeable.
- (2) Where a fee is chargeable by virtue of subsection (1) above, the regulations under which it is so chargeable may make different provision (which, without prejudice to the generality of this subsection, may include provision for remission of the fee in whole or in part) for—
 - (a) different cases or classes of case ;
 - (b) different circumstances or classes of circumstances ;
 - (c) different items or classes of business,(difference being determined by reference to any factor or factors whatsoever).”.