



# Building (Scotland) Act 1959

## 1959 CHAPTER 24

### PART III

#### DANGEROUS BUILDINGS

#### **13 Action to be taken in respect of buildings found to be dangerous**

- (1) If it appears to the master of works that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally he shall forthwith—
  - (a) require any occupants of the building in question, and of any adjacent building, being persons whom he considers to be endangered by the state of the building in question, to remove immediately from those buildings ;
  - (b) cause to be executed such operations (including, if necessary, demolition operations) as in his opinion are necessary for preventing access to the building and any adjacent parts of any road or public place which appear to him to be dangerous by reason of the state of the building and otherwise for the protection of the public and of persons and property on the land adjacent to the building; and
  - (c) serve on the owner of the building a notice requiring him within a period of seven days from the service of the notice to begin, and within such further period as may be specified in the notice, being a period of not less than twenty-one days from the expiration of the first mentioned period, to complete to the satisfaction of the master of works, such operations for the repair, securing or demolition of the building as may be so specified, being operations necessary in the opinion of the master of works to remove the danger.
- (2) If on the expiration of the period of seven days referred to in paragraph (c) of the foregoing subsection the owner of the building has not begun, or if on the expiration of the period of not less than twenty-one days so referred to he has not completed, the operations required by a notice given under that paragraph the master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard,

may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with.

- (3) An order under the foregoing subsection shall become operative only in accordance with subsection (4) of section sixteen of this Act.
- (4) If an order granted by a buildings authority under subsection (2) of this section is not duly complied with the buildings authority may authorise the local authority to execute the operations which the owner has failed to execute or to demolish the building; and the local authority shall thereupon be entitled to act accordingly.
- (5) Any expenses incurred by a local authority or a master of works in executing their or his functions under this section in respect of any building, shall, subject to the provisions of section seventeen of this Act, be recoverable by the local authority from the owner of the building as a debt; and the provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under this section.
- (6) The provisions of the Seventh Schedule to this Act shall have effect for the purpose of securing the removal—
  - (a) from a building, of any occupant who, on being required under paragraph (a) of subsection (1) of this section to remove from the building in the circumstances mentioned in that subsection, fails to do so; and
  - (b) from a building which is the subject of an order under this section requiring it to be demolished, of the occupants thereof.

#### **14 Power of local authorities to sell materials from demolished buildings**

If a building is demolished by a master of works acting under paragraph (b) of subsection (1) of the last foregoing section, or by a local authority acting under subsection (4) of that section, the local authority may sell any building material that arises from such demolition, and if they do so they may set off the proceeds of the sale against any sums recoverable by them from the owner under the foregoing provisions of this Part of this Act, and shall account to the owner for any amount by which the proceeds exceed the aggregate of the sums so recoverable.

#### **15 Power of local authorities to purchase buildings and site where owner cannot be found**

- (1) If in relation to any building a local authority have, acting under subsection (4) of section thirteen of this Act, executed any operations such as are referred to in that subsection or demolished the building, and the expenses thereby incurred by them cannot be recovered by reason of the fact that the owner of the building cannot be found, the local authority may be authorised by the Secretary of State to purchase the building and its site compulsorily.
- (2) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to a compulsory purchase of land under the foregoing subsection as if that subsection had been in force immediately before the commencement of that Act.

- (3) The local authority shall be entitled to deduct from the compensation payable on the compulsory purchase of land under this section the amount of the expenses referred to in subsection (1) of this section so far as not otherwise recovered.