



# Building (Scotland) Act 1959 (repealed)

1959 CHAPTER 24 7 and 8 Eliz 2

## PART II

### BUILDING STANDARDS AND BUILDING OPERATIONS

#### [<sup>F1</sup>4] **Relaxation of building standards regulations.**

- (1) Subject to the provisions of this section, if in relation to any particular building or any class of building it appears to the Secretary of State that it is unreasonable that any provision of the building standards regulations (being a provision which apart from this section applies, or by reason of a proposed change of use will apply, to that building or class of building) should apply to the building or class of building, or should so apply without relaxation, he may—
  - (a) in the case of a particular building, on an application made to him in that behalf give a direction dispensing with or relaxing that provision in relation to that building;
  - (b) in the case of a class of building, either on an application made to him in that behalf or of his own accord give a direction dispensing with or relaxing that provision generally in relation to that class of building.
- (2) If the Secretary of State by regulations so provides as regards any provision of the building standards regulations, the power to dispense with or relax that provision under subsection (1)(a) above shall be exercisable by buildings authorities instead of by the Secretary of State:  
Provided that any regulations made by virtue of this subsection [<sup>F2</sup>may except applications of any description.]
- (3) A direction under this section shall not be given in respect of any provision of the building standards regulations which is described in those regulations as not being subject to a direction under this section.
- (4) Subject to subsection (5) below, a direction under this section may be given either unconditionally or subject to such conditions specified in the direction as appear to the Secretary of State or, as the case may be, the buildings authority to be required as a direct result of the dispensation or relaxation, not being conditions by virtue of which

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Building (Scotland) Act 1959 (repealed), Section 4. (See end of Document for details)*

the direction is to cease to have effect in whole or in part, or an obligation to carry out any operations is to arise for any person, either—

- (a) on a fixed date, or
- (b) on, or on a date fixed by reference to, the occurrence of any event.

[ A direction under subsection (1)(b) above—

- <sup>F3</sup>(5) (a) shall, if it so provides, cease to have effect at the end of such period as may be specified in the direction;
- (b) may be varied or revoked by a subsequent direction of the Secretary of State.

(5A) If at any time a direction under subsection (1)(b) above ceases to have effect by virtue of subsection (5)(a) above or is varied or revoked under subsection (5)(b) above, that fact shall not affect the continued operation of the direction (with any conditions specified therein) in any case in which before that time an application for a warrant in connection with the construction or change of use of a building, part or all of which is of the class to which the direction relates, was, in accordance with regulations made under section 2 of this Act, lodged with a buildings authority.]

(6) Before giving a direction under subsection (1)(b) [<sup>F4</sup>or (5)(b)] above the Secretary of State shall consult the Building Standards Advisory Committee.

(7) The Secretary of State shall notify all [<sup>F5</sup>local authorities] of the giving of a direction under subsection (1)(b) [<sup>F4</sup>or (5)(b)] above and shall at the request of any [<sup>F5</sup>local authority] make available to the authority a copy of any such direction without charge.

[ A person making an application under subsection (1)(b) above shall pay to the

<sup>F6</sup>(7A) Secretary of State such fee as may be prescribed; and regulations made by virtue of this subsection may prescribe different fees for different cases:  
 Provided that the Secretary of State may in any particular case remit the whole or part of any fee payable by virtue of this subsection.]

(8) The Secretary of State may make regulations with respect to the procedure to be followed in connection with applications and directions under this section and with appeals under section 4A of this Act.

(9) Unless the context otherwise requires, references in this or any other enactment (whether passed or made before or after the passing of this Act) to building standards regulations shall, in relation to any building or class of building with respect to which a direction under this section or section 4A(3) of this Act is for the time being in force, be construed as references to the said regulations as, subject to that direction, they apply to that building or class of building.]

#### Textual Amendments

- F1** Ss. 4, 4A substituted for s. 4 by [Building \(Scotland\) Act 1970 \(c. 38\), s. 2](#)
- F2** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 15 para. 4](#)
- F3** S. 4(5), (5A) substituted for s. 4(5) by [Health and Safety at Work etc. Act 1974 \(c. 37\), Sch. 7 para. 2\(a\)](#)
- F4** Words inserted by [Health and Safety at Work etc. Act 1974 \(c. 37\), Sch. 7 para. 2\(b\)](#)
- F5** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 15 para. 1](#)
- F6** S. 4(7A) added (prosp.) by [Health and Safety at Work etc. Act 1974 \(c. 37\), s. 85\(2\), Sch. 7 para. 2\(c\)](#)

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Building (Scotland) Act 1959 (repealed), Section 4.