

## 1975 No. 548 (S. 73)

## BUILDING AND BUILDINGS

## The Building (Forms) (Scotland) Regulations 1975

<i>Made</i> - - - -	<i>27th March 1975</i>
<i>Laid before Parliament</i>	<i>15th April 1975</i>
<i>Coming into Operation</i>	<i>16th May 1975</i>

In exercise of the powers conferred on me by section 24 of the Building (Scotland) Act 1959(a) and of all other powers enabling me in that behalf, I hereby make the following regulations—

1.—(1) These regulations may be cited as the Building (Forms) (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

(2) Any form referred to in these regulations by number means the form so numbered in the Schedule hereto.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2.—(1) The Building (Forms) (Scotland) Regulations 1971(c) are hereby revoked.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) So much of any document, drawing or plan as refers expressly to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(3) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

3.—(1) The forms set out in the Schedule hereto, or forms as near thereto as circumstances admit, shall be the forms to be used for the purposes of the Building (Scotland) Acts 1959 and 1970 in the cases to which these forms are applicable.

(a) 1959 c. 24.

(c) S.I. 1971/747 (1971 II, p. 2097).

(b) 1889 c. 63.

(2) Any reference in these regulations and in the forms set out in the Schedule hereto to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended applied or extended by or under any subsequent enactment.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
27th March 1975.

## Regulation 3

## SCHEDULE

## LIST OF FORMS

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FORM 1

RELAXATION OF THE BUILDING STANDARDS REGULATIONS—  
APPLICATION TO SECRETARY OF STATE FOR A DIRECTION IN  
RESPECT OF A PARTICULAR BUILDING

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

*The power to relax provisions of the building standards regulations is shared in terms of the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1975 between the Secretary of State and the local authority. If you are in doubt as to whom your application should be addressed you should seek advice from the local authority.*

[See Note 1]

To the Secretary of State for Scotland<sup>1</sup>

I/We .....  
.....  
.....  
.....

Insert here  
full name(s)  
and  
address(es)  
of appli-  
cant(s).

hereby apply under section 4(1)(a) of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 for a direction dispensing with or relaxing those provisions of the Building Standards (Scotland) Regulations 1971 to 1975 set out in the Schedule to this application [and in the accompanying plans, specifications and other information]\* in respect of the [proposed]\* building at.....  
.....

I have sent a copy of this application and the accompanying plans to the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area.\*

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name.....

Address .....

.....

.....

Telephone No.....

Profession .....

<sup>1</sup>Address to which the completed form is to be sent:—

The Secretary  
Scottish Development Department  
125 George Street  
EDINBURGH EH2 4LE

\*Delete as appropriate.



SCHEDULE

PART I

Regulation Number	Provision from which dispensation or relaxation is sought	Proposed dispensation or relaxation	Reasons for application

PART II

1. Is the building new or existing? .....
2. What is the use or proposed use of the building? .....
3. In the case of an existing building please state present use. ....
4. Is the work being carried out at the request of the fire authority? .....
- [See Note 3] 5. Has a notice under section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 been served on you? .....
- If so, give date of notice. ....
- [See Note 3] 6. Has a notice under section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 been served on you? .....
- If so, give date of notice. ....
7. Has an application for warrant been made? .....
- [See Note 4] 8. Is the building listed under the Town and Country Planning (Scotland) Act 1972 as being of special architectural or historic interest? .....
- If so, please state category. ....
9. State name and address of owner of building. ....
- .....
- .....
- .....

## PART III

*Particulars of Affected Proprietors (other than Owner)*

[See Note 2]

Name	Address
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

*Notes for Guidance of Applicant*

1. Where under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973 it appears to the Secretary of State or the local authority on application made that it is unreasonable that any provision of the building standards regulations should apply to any particular building or apply to it without relaxation, the Secretary of State or the local authority may give a direction dispensing with or relaxing that provision in relation to that building. A direction may be given either unconditionally or subject to such conditions specified in the direction as appear to the Secretary of State or the local authority to be required as a direct result of the dispensation or relaxation.

2. Regulation 5 of the Building (Procedure) (Scotland) Regulations 1975 provides:—

“.....

‘affected proprietor’ in relation to a building includes any person who is—

- (a) an owner of the building or the site thereof,
- (b) an owner of the conterminous land, but only if any part of such land is within 90 metres of any part of the building or of the site thereof, and
- (c) an owner of land part of which is within 4 metres of any part of the building or site thereof.”

3. This entry is appropriate only where the application for a direction follows the service of a notice under section 10 or section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973. Under section 10 the recipient of the notice must show cause to the local authority within a specified period why he should not be required to carry out certain operations either for the removal of the building or to make the building conform to the building standards regulations. Under section 11 the owner of a building is similarly required to show cause to the local authority why his building should not conform to a provision of the regulations. The recipients of these notices may within the specified period apply for a direction.

4. The planning authority will be able to advise whether a building is included in a list compiled or approved by the Secretary of State under section 52 of the Town and Country Planning (Scotland) Act 1972 as being of special architectural or historic interest or whether it is the subject of a building preservation notice under section 56 of that Act and if so whether a specific listed building consent is required in terms of section 53 of that Act.

## FORM 2

RELAXATION OF THE BUILDING STANDARDS REGULATIONS—  
APPLICATION TO LOCAL AUTHORITY FOR A DIRECTION**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

[See Note 1] *The power to relax provisions of the building standards regulations is shared in terms of the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1975 between the Secretary of State and the local authority. If you are in doubt as to whom your application should be addressed you should seek advice from the local authority.*

Insert here  
full name(s)  
and  
address(es)  
of appli-  
cant(s).

To the \_\_\_\_\_ regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

I/We .....

hereby apply under section 4(1)(a) of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 for a direction dispensing with or relaxing those provisions of the Building Standards (Scotland) Regulations 1971 to 1975 set out in the Schedule to this application [and in the accompanying plans, specifications and other information]\* in respect of the [proposed]\* building at.....

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name .....

Address .....

Telephone No.....

Profession .....

SCHEDULE

PART I

Regulation Number	Provision from which dispensation or relaxation is sought	Proposed dispensation or relaxation	Reasons for application

PART II

1. Is the building new or existing? .....
2. What is the use or proposed use of the building? .....
3. In the case of an existing building please state present use. ....
4. Is the work being carried out at the request of the fire authority? .....
5. Has a notice under section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 been served on you? ..... [See Note 3]  
 If so, give details of notice. ....
6. Has a notice under section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 been served on you? ..... [See Note 3]  
 If so, give date of notice. ....
7. Has an application for warrant been made? .....
8. Is the building listed under the Town and Country Planning (Scotland) Act 1972 as being of special architectural or historic interest? ..... [See Note 4]  
 If so, please state category. ....
9. State name and address of owner of building. ....  
 .....  
 .....

DOCQUETS OF SERVICE

1. Certificate of Service of Copies of Application

[See Notes 2, 5 and 6]

State here where plans and other relevant particulars may be examined.

[See Note 8]

I/We certify that on the ... day of ..., 19 ..., a service copy of this application was duly served on [each of the following proprietors (being all the affected proprietors who have not dispensed with formal service as noted in Docquet 2 below)] [and on the firemaster of the fire authority]\* who has/have\* been notified that plans and other relevant particulars may be examined at.....

Signature of applicant or agent or other person effecting the service.....

Witness to service.....Date.....

Name Address

.....
.....
.....
.....

2. Acceptance of Service

We, the undersigned, accept service of the foregoing application and dispense with formal service.

Signature Address Date

.....
.....
.....

Statement in regard to Representations

[See Note 7]

We, the undersigned, state that we do not wish to make any representations with regard to the carrying out of the operations mentioned in this application.

Signature Address Date

.....
.....
.....

\*Delete as appropriate.

Notes for Guidance of Applicant

1/4. Notes 1 to 4 appended to this Form should be the same as the Notes 1 to 4 appended to Form 1.

5. In terms of regulation 25(1) of the Building (Procedure) (Scotland) Regulations 1975 formal service is not required where the affected proprietor has signed the form of application (Docquet 2) dispensing with such service or where the proposed operations are within a building which is completely detached and which is owned and occupied by the same person.

6. Regulation 25(1)(b) of the Building (Procedure) (Scotland) Regulations 1975 requires service on the firemaster of the fire authority where the application relates to matters prescribed in Parts D, E or F of the building standards regulations or in Part S thereof so far as that Part relates to exit stairs and their associated landings or balconies.

7. In terms of regulation 26(1)(a) of the Building (Procedure) (Scotland) Regulations 1975 an affected proprietor who has signed this statement has thereby foregone his right to make representations to the granting of the application. Formal service is nevertheless required if the affected proprietor has not also signed Docquet 2 dispensing with such service.

8. Section 25(1) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 provides that the provisions of section 192 of the Local Government (Scotland) Act 1973 shall apply to the service of any document required to be served under that Act, which latter section requires that the service be witnessed.

9. Part V of the Building (Procedure) (Scotland) Regulations 1975 deals with appeals under section 4A of the Building (Scotland) Act 1959 as inserted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973 to the Secretary of State against the refusal of the local authority to grant an application for a direction or against any of the conditions specified in the direction given by the local authority. The Part provides—

“.....

*Giving notice of appeal*

31. Any applicant who desires to appeal—

(a) against the refusal by the local authority of an application to dispense with or relax any requirement of the building standards regulations which they have power to dispense with or relax, or

(b) against any conditions subject to which the application was granted shall give notice of appeal in the prescribed form to the Secretary of State stating the grounds on which the appeal is made within 28 days from the date on which the local authority notify the applicant of their decision and shall send a copy of the notice of appeal to the local authority.

*Failure by local authority to give a decision*

32. If within 2 months or within such extended period as may at any time be agreed in writing between the applicant and the local authority, the local authority do not notify the applicant of their decision on an application for a direction, the applicant may appeal in accordance with regulation 31 as if the local authority had refused the application and had notified the applicant of the decision on the last day of the said period.

*Forwarding of documents to Secretary of State*

33.—(1) As soon as may be after the receipt of the copy of a notice of appeal, the local authority shall subject to paragraph (2) of this regulation send to the Secretary of State a copy of the following documents—

- (a) the application made to the local authority for a direction,
- (b) all relevant plans, drawings and particulars submitted to them,
- (c) all representations made to the granting of the application and with respect to the draft direction,
- (d) the notice of the decision or determination if any by the local authority,
- (e) the written statement by the local authority setting out their reasons for their decision or determination, including their reasons for attaching any conditions to the direction,
- (f) all other relevant correspondence,
- (g) a statement containing the observations of the local authority on the application and appeal including the names and addresses of those consulted by the local authority.

(2) If the local authority have within the period of 28 days specified in regulation 31 returned to the applicant any of the documents listed in paragraph (1) of this regulation, the applicant shall forward such documents to the local authority along with the copy of the notice of appeal.

*Process of consultation*

34. The Secretary of State may if he thinks fit send—

(a) to the applicant a copy of his draft direction, and

(b) to any other persons appearing to him to be interested a copy of the application and of his draft direction,

inviting comment on the draft direction and he shall take into account any comments received before making his direction final.

*Circumstances in which hearing may be held*

35. Before giving a direction the Secretary of State may if he thinks fit afford to the applicant the local authority and any other person appearing to him to be interested an opportunity of appearing before and being heard by a person appointed by him for the purpose.

*Intimating decision and reasons*

36. After giving a direction the Secretary of State shall notify the applicant and any other person who received a copy of the draft direction in terms of paragraph (b) of regulation 34 of his determination of the appeal and of his reasons therefor.”

FORM 3

SERVICE COPY OF APPLICATION FOR DIRECTION
BUILDING (SCOTLAND) ACTS 1959 AND 1970

There should be appended to the following notice a copy of the application for direction as lodged by the applicant with the local authority (but excluding the Schedule to the application, the docquets of service, the statement in regard to representations and the notes)

To ..... as [ affected proprietor ] \*
firemaster

1. You are hereby served with the appended application for a direction which is about to be lodged with the regional/district/islands\*council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

2. The plans and other particulars relating to the application may be examined at .....

3. You may by a statement in writing lodged with.....
.....within 14 days after
.....make representations to the granting of the application.

- 4. Any representation so made should state—
(a) the interest by reason of which you claim to be entitled to make representations,
(b) the grounds of representation, and
(c) an address at which documents may be served upon you.

5. Persons making representations are required to serve a copy on the applicant.

Signature of applicant or agent.....
.....19 .

\*Delete as appropriate.

Notes

Part IV of the Building (Procedure) (Scotland) Regulations 1975 which relates to the procedure for making application for a direction provides:—

“.....

Service of application

25.—(1) An applicant for a direction shall before lodging the application with the local authority serve a service copy of the application on—

- (a) every other affected proprietor, and
(b) where the application relates to matters prescribed in Parts D, E or F of the building standards regulations or in Part S thereof so far as that Part relates to exit stairs and their associated landings or balconies, the firemaster of the fire authority:

Provided that nothing in this paragraph shall require service of a service copy of the application—

- (a) on any person who has signed the form of application as dispensing with formal service thereof, or
(b) on any affected proprietor in the case of proposed operations which are within a building which is completely detached and which is owned and occupied by the same person.

Insert here name and address of person on whom service is to be made.

State where plans and other relevant particulars may be examined.

Insert here the date of the making of application.



(2) The local authority may at any time require the applicant to serve a service copy of the application on such other persons as they may direct.

(3) Any service of a service copy of an application required by this regulation may be effected on behalf of an applicant by the local authority and where so effected shall for the purposes of this regulation be taken to have been effected prior to the lodging of the application.

*Making representations against application*

26.—(1) At any time before the expiry of 14 days after the date of the making of the application—

- (a) any affected proprietor not being an affected proprietor who has signed the form of application as not wishing to make any representations to the carrying out of the proposed operations,
- (b) the firemaster of the fire authority on whom a service copy of the application has been served in terms of paragraph (1) of regulation 25, or
- (c) any other person claiming to have an interest in the subject matter of the application,

may by a statement in writing lodged with the local authority make representations to the granting of the application.

(2) Any such representation shall state—

- (a) the interest by reason of which the person making representations claims to be entitled to make representations,
- (b) the grounds on which he makes his representations, and
- (c) an address at which documents may be served upon him,

and a copy of the representations shall be served by the person making representations on the applicant:

Provided that the local authority may if they think fit accept any representations from any person notwithstanding that he has not complied with this paragraph.

(3) Any representation made under paragraph (1) of this regulation may be withdrawn by the person making the representation, by giving to the local authority and the applicant a written intimation to that effect.

*Preparation of draft direction*

27.—(1) At any time after the expiry of the period mentioned in paragraph (1) of regulation 26 the local authority shall after having considered any representations made in terms of regulation 26 prepare a draft direction:

Provided that where no representations have been made to the granting of the application in terms of regulation 26 and the local authority intend to grant the application for a direction unconditionally, the local authority shall not be required to prepare a draft direction before so granting the application.

(2) A copy of the draft direction shall forthwith be sent to the applicant, any person who made representations in terms of regulation 26 and any other person appearing to the local authority to be interested with an intimation that any representations with respect thereto shall be sent in writing to the local authority at any time before the expiry of 14 days from the date of the issue of the draft direction.

*Procedure where no representations are made*

28. If no representations have been made with respect to the draft direction during the period mentioned in paragraph (2) of regulation 27 by any of the persons mentioned therein, and no representations have been made to the granting of the application in terms of regulation 26, or if every representation

so made has been withdrawn, the local authority shall proceed to determine the application:

Provided that the local authority shall not refuse the application on any ground without giving to the applicant an opportunity of being heard.

*Procedure where representations are made*

29.—(1) Where—

- (a) representations have been made to the granting of the application in terms of regulation 26, or
- (b) representations have been made with respect to the draft direction in terms of regulation 27, or
- (c) representations have been made to the granting of the application and with respect to the draft direction in terms of regulations 26 and 27 respectively,

the application shall be put out for a hearing by the local authority to be held on a date not less than 7 days after the receipt of such representations with respect to the draft direction and the local authority shall serve notice of the date, time and place of the hearing on the person making the representations and on the applicant.

(2) The local authority shall as soon as may be after the hearing of an application proceed to determine the application:

Provided that—

- (i) the local authority shall not refuse the application on the ground of any representations or on any other grounds which have not been made known to the applicant;
- (ii) where the applicant or any person who has made representations neither attends nor is represented at the hearing of an application the local authority may continue the hearing or proceed to determine the application, so however that they shall take into account any representations made by any person and any statement by the applicant in relation to the application and any such representations.”

FORM 4

**RELAXATION OF THE BUILDING STANDARDS REGULATIONS—  
DIRECTION BY LOCAL AUTHORITY**

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, in exercise of the powers conferred on them by the Building Standards (Relaxation by Local Authorities) (Scotland) Regulations 1975 made under section 4(2) of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973, having considered the application by.....dated.....19

for a direction dispensing with or relaxing provisions of the Building Standards (Scotland) Regulations 1971 to 1975, and having complied with the provisions of Part IV of the Building (Procedure) (Scotland) Regulations 1975, hereby direct that, in relation to the matters specified in Part I of the Schedule hereto, the provisions of the Building Standards (Scotland) Regulations 1971 to 1975 specified in column (b) of Part II of the Schedule in relation to the regulation(s) specified in column (a) thereof [subject to the conditions set out in column (c) thereof]\* shall not apply for the reasons given in Part III of the Schedule.

[See Note]

Dated this.....day of.....19 .

.....  
for the local authority.

\*Delete as appropriate.

**SCHEDULE  
PART I**

Insert here brief description of nature of work eg alterations, and address of property.

**PART II**

(a) Regulation	(b) Provisions from which dispensation or relaxation is given	(c) Conditions under which dispensation or relaxation is given

**PART III**

*Reasons for local authority's decision*

**Note**

*(to be incorporated in the Direction and any copies thereof)* .

The Note appended to this Form should be the same as Note 9 appended to Form 2.

FORM 5

RELAXATION OF BUILDING STANDARDS REGULATIONS—NOTICE OF APPEAL TO SECRETARY OF STATE

[See Note]

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the Secretary of State for Scotland<sup>1</sup>

I/We .....

Insert here full name(s) and address(es) of applicant(s).

hereby appeal under section 4A of the Building (Scotland) Act 1959 as inserted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973

- [against the refusal to grant the application]\*
[against the conditions subject to which the application was granted]\*
[against the failure to notify me/us\* of their decision]\*

by the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* relating to my/our application dated.....for a direction in respect of the [proposed]\* building at.....

The grounds on which the appeal is made are set out in the Schedule to this notice.

A copy of this notice has been sent to the local authority.

\*Delete as appropriate

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate):—

Name .....

Address .....

Telephone No.....

Profession .....

SCHEDULE

Date of application for direction.....

Date of direction (if received) .....

Grounds of appeal.....

<sup>1</sup>Address to which the completed form is to be sent:—

The Secretary
Scottish Development Department
125 George Street
EDINBURGH
EH2 4LE

Note

(to be incorporated in the Notice and any copies thereof)

The Note appended to this Form should be the same as Note 9 appended to Form 2.

FORM 6

[See Note 1] APPLICATION FOR WARRANT TO ERECT (INCLUDING A BUILDING INTENDED TO HAVE A LIMITED LIFE), ALTER, EXTEND, CHANGE THE USE OF OR DEMOLISH A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

Insert here full name(s) and address(es) of applicant(s).

I/We .....  
.....  
.....

State here the nature of the proposed operations eg erection, alteration, extension, change of use [See Note 2] or demolition of house, shop or other building.

apply under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 for a warrant for the.....  
.....

Insert here address of site or building. State interest in building eg owner tenant.

[forming part of the building at]\*.....  
.....  
.....

[See Note 3]

[See Note 5]

Insert name of road which must be adjacent to the building or site.

of which I am/we are.....  
all in conformity with the plans [sections, elevations and drawings] [and specifications and other statements]\* produced herewith [and in accordance with the relevant particulars given in the Schedule hereto]\* [such building being intended to have a life of.....years]\*.

Insert name of road which must be adjacent to the building or site.

[I/We also apply for permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 to occupy temporarily, for the purpose of depositing materials or otherwise in connection with the operations referred to above, the portion of .....shown in the said plans and for authority under the said section 8 as amended to erect staging or scaffolding so as to project over the

portion of.....shown in the said plans.]\*

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name .....

Address .....

Telephone No.....

Profession .....

\*Delete as appropriate.

SCHEDULE  
Particulars of Application

NOTE: Where the application is in respect of a warrant to demolish, sections 5 and 6 only need be completed. In all other cases sections 1 to 5 should be completed.

1. Has any direction been given by the Secretary of State or the local authority under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970? If so give details including the date and reference number of the direction. ....

2. What is the estimated cost of the operations? Please note that the local authority may wish to verify this figure. ....

3. (a) What is (i) the proposed use, and (ii) (if applicable) the existing use of the [building] [part of the building covered by the application]\* (Where more than one use is proposed state the uses and indicate the part of the building allocated to each use.)

[(b) State the provisions of the Building Standards (Scotland) Regulations 1971 to 1975 which will become applicable or will apply more onerously to the building or part thereof by reason of the change of use.]\*

Is it intended that a further application will be made to the local authority in respect of any stage or stages in the construction for which particulars are not submitted with this application? If so please indicate stage(s) [See Note 4]

If the application is in respect of an existing building state whether it is listed under the Town and Country Planning (Scotland) Act 1972 as being of special architectural or historic interest. If so please state category [See Note 4]

6. Demolitions Only

Give such particulars as are necessary to show that the operations involved will be conducted in accordance with the Building Operations (Scotland) Regulations 1975 [and any direction issued by the local authority under those regulations]\*, so far as such particulars are not shown in the plan produced with the application.

DOCQUETS OF SERVICE

1. Certificate of Service of Copies of Application

[See Notes 6 and 7]

I/We certify that on the ... day of ... 19 ... a service copy of this application was duly served on each of the following proprietors (being all the affected proprietors who have not dispensed with formal service as noted hereunder) and he/they\* has/have\* been notified that plans and other relevant particulars may be examined at

State here where plans and other relevant particulars may be examined.

Signature of applicant or agent or other person effecting the service..... Date
Witness to service..... Date

[See Note 9]

Name Address
.....
.....

2. Acceptance of Service

We, the undersigned, accept service of the foregoing application and dispense with formal service

Signature Address Date
.....
.....

Statement in regard to Objections

[See Note 8]

We, the undersigned, state that we have no objection to the carrying out of the operations mentioned in this application.

Signature Address Date
.....
.....

\*Delete as appropriate.

Notes for Guidance of Applicant

1. Section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 provides:

(2) A local authority shall, subject to subsection (8) of this section and to section 6A of this Act grant a warrant such as is mentioned in the foregoing subsection on application being made therefor in the prescribed manner—

(a) in the case of a warrant for the construction or demolition of a building, if, but only if, they are satisfied that the operations involved

will be conducted in accordance with the building operations regulations, and (in the case of operations for the construction of a building) that nothing in any plan, specification or other information submitted with the application shows that the building when constructed will fail to conform to the building standards regulations; and

(b) in the case of a warrant for the change of use of a building, if, but only if, they are satisfied that after the change of use the building will conform to so much of the building standards regulations as will become applicable, or will apply more onerously, to the building by reason of the change of use.

(8) Notwithstanding anything in this section it shall be competent for—

(b) any local authority to refuse to grant a warrant (or an amendment of the terms of a warrant) if the application for it has not been duly made in the prescribed manner, or

(c) any local authority to refuse to grant a warrant (or an amendment of the terms of a warrant), where the application relates to an extension to, or alteration of, a building, if they consider—

(i) in the case of a building which at the time of the application conformed to the building standards regulations, that as a direct result of the extension or, as the case may be, the alteration, the building as extended or altered will fail to conform to the said regulations, or

(ii) in the case of a building which at the time of the application failed to conform to the building standards regulations, that as a direct result of the extension or, as the case may be, the alteration, the building as extended or altered will fail to conform to the said regulations to a greater degree than that to which it failed to conform at the time of the application;

and nothing in this section shall be taken to prejudice the operation of section 17 of the Restriction of Ribbon Development Act 1935, section 33 of the Civil Defence Act 1939, section 10 of the Clean Air Act 1956, or sections 2, 3 or 6 of the Thermal Insulation (Industrial Buildings) Act 1957 (which sections in their application to Scotland relate to the power of local authorities to refuse to grant warrants in certain circumstances).

.....”

2. Section 29(1) of the Building (Scotland) Act 1959 provides:—

“.....

‘change of use’ in relation to a building means such change in the use or occupation of the building as will bring it within a class of building to which the building standards regulations apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of the building standards regulations apply.....”

3. Regulation A11 of the Building Standards (Scotland) (Consolidation) Regulations 1971 provides that in relation to a building to be constructed in accordance with the special provisions of those regulations relating to buildings intended to have a limited life, the period of intended life of the building should not exceed 5 years.

4. Regulation 7 of the Building (Procedure) (Scotland) Regulations 1975 prescribes the following stages of construction for the purposes of section 6(3A) of the Act inserted by the Health and Safety at Work etc Act 1974 (which empowers the local authority to grant a warrant for the construction of a building subject to further information being provided in respect of prescribed stages in the construction)—

- construction of foundations;
- construction of substructure;



construction of underground drainage system;  
 construction of superstructure, excluding the stages specified below;  
 construction of external wall cladding or internal walls or their linings;  
 construction of roof;  
 installation of a lift, escalator or electrical, ventilation, heating or plumbing system.

5. Section 29(1) of the Building (Scotland) Act 1959 provides:—

“.....  
 ‘road’ includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street;  
 .....”

6. Regulation 5 of the Building (Procedure) (Scotland) Regulations 1975 provides:—

“.....  
 ‘affected proprietor’ in relation to a building includes any person who is—  
 (a) an owner of the building or of the site thereof,  
 (b) an owner of the conterminous land, but only if any part of such land is within 90 metres of any part of the building or of the site thereof, and  
 (c) an owner of land part of which is within 4 metres of any part of the building or site thereof.”

7. In terms of regulation 13(1) of the Building (Procedure) (Scotland) Regulations 1975 formal service is not required where the affected proprietor has signed the form of application (Docquet 2) dispensing with such service or where the proposed operations are within a building which is completely detached and which is owned and occupied by the same person.

8. In terms of regulation 14(1)(a) of the Building (Procedure) (Scotland) Regulations 1975 an affected proprietor who has signed this statement has thereby foregone his right to object to the granting of the application. Formal service is nevertheless required if the affected proprietor has not also signed Docquet 2 dispensing with such service.

9. Section 25(1) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 provides that the provisions of section 192 of the Local Government (Scotland) Act 1973 shall apply to the service of any document required to be served under that Act, which latter section requires that the service be witnessed.

10. The planning authority will be able to advise whether a building is included in a list compiled or approved by the Secretary of State under section 52 of the Town and Country Planning (Scotland) Act 1972 as being of special architectural or historic interest or whether it is the subject of a building preservation notice under section 56 of that Act and if so whether a specific listed building consent is required in terms of section 53 of that Act.

**NOTE: ANY WARRANT GRANTED IN RESPECT OF THIS APPLICATION WILL COVER APPROVAL UNDER THE BUILDING STANDARDS REGULATIONS ONLY AND WILL NOT EXEMPT THE APPLICANT FROM OBTAINING ANY OTHER PERMISSION WHICH MAY BE REQUIRED, FOR EXAMPLE PERMISSION UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS.**

FORM 7

SERVICE COPY OF APPLICATION FOR WARRANT/AMENDMENT OF WARRANT

BUILDING (SCOTLAND) ACTS 1959 AND 1970

There should be appended to the following notice a copy of the application for warrant/amendment of warrant\* as lodged by the applicant with the local authority (but excluding the Schedule to the application, the docquets of service, the statement in regard to objections and the notes)

To.....as affected proprietor

Insert here name and address of person on whom service is to be made.

1. You are hereby served with the appended application for warrant/amendment of warrant\*, which is about to be lodged with the regional/district/ islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/ islands area\*.

2. The plans and other particulars relating to the application may be examined at .....

State where plans and other relevant particulars may be examined.

3. You may by a statement in writing lodged with.....within 14 days after.....object to the granting of the application and apply to be heard by the local authority.

Insert here the date of the making of application.

- 4. Any objection so made should state— (a) the interest by reason of which you claim to be entitled to be heard in the application, (b) the grounds of objection, and (c) an address at which documents may be served upon you.

5. Persons lodging objections are required to serve a copy on the applicant.

Signature of applicant or agent.....19 .

\*Delete as appropriate.

## Notes

*The following note is not intended to be authoritative and is given by way of guidance only to recipients of service copies of applications with a view to saving unnecessary expenditure by affected proprietors and local authorities*

1. Whilst your statutory entitlement to object and be heard by the local authority is not in doubt it is pointed out that the local authority is limited in the extent to which it may consider objections.

Generally, objections should be confined to possible contraventions of the building standards regulations. In addition, local authorities may consider objections in other circumstances, e.g. interference with traffic along a public road by vehicles calling at the building. *Matters concerning amenity or general dissatisfaction with a proposal are however outwith the scope of the local authority's jurisdiction under the Building (Scotland) Acts.*

2. Part II of the Building (Procedure) (Scotland) Regulations 1975 which relates to the procedure for making application for warrant provides:—

“.....

*Service of application*

13.—(1) An applicant for a warrant shall before lodging the application with the local authority serve a service copy of the application on every other affected proprietor:

Provided that nothing in this paragraph shall require service of a service copy of the application—

- (a) on any person who has signed the form of application as dispensing with formal service thereof, or
- (b) on any affected proprietor in the case of proposed operations which are within a building which is completely detached and which is owned and occupied by the same person.

(2) The local authority may at any time require the applicant to serve a service copy of the application on such other person as they may direct.

(3) Any service of a service copy of an application required by this regulation may be effected on behalf of an applicant by the local authority and where so effected shall for the purposes of this regulation be taken to have been effected prior to the lodging of the application.

*Opposed applications*

14. ....

(3) Subject to regulation 15, on receipt of an objection the application shall be put out for a hearing by the local authority to be held on a date not less than 7 days after receipt of the objection and the local authority shall serve notice of the date, time and place of the hearing on the person objecting and on the applicant:

Provided that where more than one objection is lodged under this regulation the application shall not be put out for a hearing earlier than 7 days after the date of receipt of the later or latest objection.

(4) The local authority shall as soon as may be after the hearing of an application proceed to determine the application:

Provided that—

- (i) in no case shall the local authority refuse the application on the grounds of an objection or on any other grounds the details of which have not been made known to the applicant;

- (ii) where the applicant or any person who has lodged an objection neither attends nor is represented at the hearing of an application the local authority may continue the hearing or proceed to determine the application, so however that they shall take into account any objection and any statement by the applicant in relation to any objection.

.....

*Unopposed applications*

15. If no objections have been lodged to the granting of the application during the period mentioned in paragraph (1) of regulation 14, or if every objection so lodged has been withdrawn, the local authority shall proceed to determine the application:

Provided that the local authority shall not refuse the application on any ground without giving to the applicant an opportunity of being heard."

FORM 8

WARRANT TO ERECT (INCLUDING A BUILDING INTENDED TO HAVE A LIMITED LIFE), ALTER OR EXTEND A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, having considered the application by..... dated.....19 , hereby grant warrant under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970, the Local Government (Scotland) Act 1973 and the Health and Safety at Work etc Act 1974 for the erection/alteration/extension\* of a building at..... [being a building intended to have a limited life of .....years]\* subject to the following conditions—

- (a) that the building shall be erected/alterd/extended\* in conformity with the plans [sections, elevations and drawings and specifications and other statements]\* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto [and in conformity with such information as is subsequently submitted in terms of condition (e) below]\*;
(b) that the building shall be erected/alterd/extended\* in accordance with the Building Standards (Scotland) Regulations 1971 to 1975;
[(c) that the conditions specified in the direction given by the Secretary of State or the local authority as aforesaid under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973 are observed;]\*
[(d) on or before the expiration of the period of years from the date on which a certificate of completion is granted under section 9 of the Building (Scotland) Act 1959 the building will be demolished;]\*

Insert here stage(s) of construction.

[(e) work on..... shall not proceed until the information specified in the Schedule to this warrant in respect of the said stage(s) of construction has been submitted to the local authority together with an application under section 6(3A) of the Building (Scotland) Act 1959 as inserted by the Health and Safety at Work etc Act 1974 for an amendment of the terms of this warrant authorising the said work to proceed, and the local authority have amended this warrant accordingly].\*

A copy of the plans referred to in paragraph (a) hereof is returned herewith endorsed in relation to this warrant.

Dated this.....day of.....19 .

..... for the local authority.

[SCHEDULE

The information mentioned in condition (e) above is—

..... ]\*

\*Delete as appropriate.

## Notes

(to be incorporated in the Warrant and any copies thereof)

1. Regulation 6 of the Building (Procedure) (Scotland) Regulations 1975 provides:—

*“Duration of warrant*

6. A warrant granted by the local authority shall be valid only—

- (a) for the period of three years from the date on which it is granted, or
- (b) for such extended period or periods as may be approved by the local authority on application made to them at any time.”

2. Regulation 59 of the Building (Procedure) (Scotland) Regulations 1975 provides:—

*“Notices regarding operations*

59. Any person carrying out operations in pursuance of a warrant granted under the Act shall give notice to the local authority—

- (a) of the date on which work is commenced,
- (b) when any drain has been laid and is ready for inspection or test under regulation M4(6)(a) of the building standards regulations,
- (c) when a drain track has been in-filled and the drain is ready for a second inspection or test in accordance with regulation M4(6)(b) of the building standards regulations, and
- (d) of the date on which the operations are completed:

Provided that—

- (i) notices under paragraphs (a) and (d) of this regulation shall be in writing, and
- (ii) nothing in this regulation shall require the giving of notice of the date on which operations are completed where application to the local authority for a certificate of completion has been made in the prescribed form.”

It is stressed however that a certificate of completion in respect of any building which is the subject of a warrant granted under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 must always be obtained from the local authority *BEFORE* occupying or using the building. Wilful failure to obtain such a certificate is an offence. The only exceptions to this general rule are where the occupation or use is solely for the purpose of the construction of the building or in certain circumstances where temporary occupation is involved. (For details see section 9(5) and (6) of the Building (Scotland) Act 1959).

**NOTE: THIS WARRANT IS IN RESPECT OF APPROVAL UNDER THE BUILDING STANDARDS REGULATIONS ONLY AND DOES NOT EXEMPT THE APPLICANT FROM OBTAINING ANY OTHER PERMISSIONS WHICH MAY BE REQUIRED, FOR EXAMPLE PERMISSION UNDER THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS.**

FORM 9

WARRANT TO DEMOLISH A BUILDING

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, having considered the application by.....dated.....19 , hereby grant warrant under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 for the demolition of the building at.....subject to the following condition—

that the demolition shall be completed within the period of..... from the commencement of the operations for the demolition.

A copy of the plan submitted with the application is returned herewith endorsed in relation to this warrant.

Dated this.....day of.....19 .

..... for the local authority.

\*Delete as appropriate.

Notes

*(to be incorporated in the Warrant and any copies thereof)*

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 8.

FORM 10

WARRANT TO CHANGE THE USE OF A BUILDING

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, having considered the application by.....dated.....19 , hereby grant warrant under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 for the change of use of [the building at.....] [part of the building at.....] \*as specified in the plans lodged with the application from..... to.....

A copy of the said plans is returned herewith endorsed in relation to this warrant. Dated this.....day of.....19 .

..... for the local authority.

\*Delete as appropriate.

Note

*(to be incorporated in the Warrant and any copies thereof)*

The Note appended to this Form should be the same as Note 1 appended to Form 8.

FORM 11

APPLICATION FOR EXTENSION OF PERIOD OF USE OF BUILDING INTENDED TO HAVE A LIMITED LIFE

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

I/We ..... considering that on the.....day of.....

Insert here full name(s) and address(es) of applicant(s).

19 , there was granted a warrant for the erection of a building at..... subject to a condition that the building would be demolished on or before the expiration of the period of.....from the date of granting the certificate of completion, and considering that the said period [was on the .....day of.....19 , extended for a further period of.....years and]\* will unless extended terminate on the.....day of.....19 , hereby apply under section 6(5) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 for an extension of the said period by a further period of.....

Insert here address of building.

Date of termination of period.

Insert here period of desired extension [See Note].

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name .....

Address .....

Telephone No. ....

Profession .....

\*Delete as appropriate.

Note

(to be incorporated in the application and any copies thereof)

Under section 6(5) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 no such extension may be granted for a period longer than five years, being the period specified in regulation A11 of the Building Standards (Scotland) (Consolidation) Regulations 1971.



FORM 12

APPLICATION FOR AMENDMENT OF WARRANT UNDER SECTION 6(3A)

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

Insert here full name(s) and address(es) of applicant(s). I/We .....

Insert here address of building. considering that on the.....day of.....19 , there was granted a warrant for the erection/alteration/extension\* of a building at .....

Insert here stages specified in condition (e) of the warrant. subject to a condition that work on.....

[See Note] should not proceed until the information specified in the Schedule to the said warrant together with an application for amendment of the terms of the warrant had been submitted to the local authority and the local authority had amended the warrant accordingly, hereby apply under section 6(3A) of the Building (Scotland) Act 1959 as inserted by the Health and Safety at Work etc Act 1974 for such an amendment of the terms of the said warrant in respect of.....

.....and submit as set out in the Schedule to this application the information requested in the said warrant in respect of the said stage(s) of construction.

Signature of applicant or agent.....  
 Date .....

Particulars of agent (if appropriate)  
 Name .....

Address .....

.....  
 Telephone No.....  
 Profession .....

\*Delete as appropriate.

SCHEDULE

The information mentioned above is—

The Docquets of Service and Statement attached to this Form should be the same as those attached to Form 6.

Note for Guidance of Applicant

It is open to applicants to apply for an amendment of the terms of the warrant in respect of any or all of the stages specified in the condition of warrant. The information submitted with the application must in each case be that specified in the Schedule to the warrant in relation to that stage.

FORM 13

APPLICATION FOR AMENDMENT OF WARRANT UNDER SECTION 6(7)

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

I/We ..... apply under section 6(7) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 for an amendment of the terms of the warrant granted by the regional/district/islands\* council on the.....day of.....19 , for the erection/alteration/extension\* of the building at.....

in respect of the particulars detailed in Parts I and II of the Schedule to this application and in conformity with the relative plans and specifications submitted herewith.

Insert here full name(s) and address(es) of applicant(s).

Insert here address of building or site.

Signature of applicant or agent..... Date ..... Particulars of agent (if appropriate) Name..... Address ..... Telephone No..... Profession.....

\*Delete as appropriate.

SCHEDULE

PART I

The particulars in respect of which it is desired to amend the warrant referred to in the foregoing application are:—

.....

PART II

The particulars detailed in Part I of this Schedule necessitate the following changes in the Schedule to the application for warrant:—

.....

PART III

Does the amendment affect the cost of the operations? If so please state revised estimated cost..... The Docquets of Service and Statement attached to this Form should be the same as those attached to Form 6.

State here any particulars of application which are altered by the proposed amendment of warrant.

FORM 14

APPLICATION FOR PERMISSION TO OCCUPY PORTION OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

Insert here full name(s) and address(es) of applicant(s).

I/We ..... apply for permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 to occupy temporarily, for the purpose of depositing materials or otherwise in connection with operations for the construction/repair/maintenance/demolition\* of the [proposed]\* building at.....

Insert here address of building or site.

.....[in respect of which an application for warrant was lodged on.....]\* the portion of..... shown in the plan produced herewith:

Insert here name of road [see Note 1] which must be adjacent to the building or site. [See Note 2]

and for authority under the said section 8 as amended to erect staging or scaffolding so as to project over the portion of the said..... shown on the said plan.

Signature of applicant or agent..... Profession ..... Date ..... Particulars of agent (if appropriate)

Name..... Address.....

..... Telephone No..... Profession .....

.....

.....

.....

.....

.....

.....

.....

.....

\*Delete as appropriate.

Notes for Guidance of Applicant

1. "Road" includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street (section 29(1) of the Building (Scotland) Act 1959).

2. The applicant must lodge or send with this application a principal and copy of a block plan to a scale of not less than 1 : 500 to show the site of the building and the portion of the road proposed to be occupied.

3. This Application may be combined with Application for Warrant (see Form 6).

FORM 15

PERMISSION TO OCCUPY PORTION OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, having considered the application by.....dated....., hereby grant permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 to occupy temporarily for the purpose of depositing materials or otherwise in connection with operations for the construction/repair/maintenance/demolition\* of the [proposed]\* building at.....that portion of the road adjoining the said building shown in the plan submitted with the said application [and for authority to erect staging or scaffolding so as to project over the portion of the road also shown on the said plan]\*, but subject always to the following condition(s):—

1. The permission hereby granted shall, unless extended by the local authority, expire at the termination of a period of 6 months from the date of commencement of the said operations.

\*2. ....  
.....  
for the local authority.

Insert here any other condition imposed by the local authority.

\*Delete as appropriate.

Note

Where an application for permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 has been incorporated in an application for warrant under that Act, this form of permission may be combined as appropriate with Form 8 or 9.

FORM 16

APPLICATION FOR CERTIFICATE OF COMPLETION

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*

Insert here full name(s) and address(es) of applicant(s).

I/We .....  
.....

Insert here address of building.

apply under section 9 of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 for a certificate of completion in respect of the works of erection/alteration/extension\* of the building at.....  
.....

which works were—  
completed on.....; and  
carried out in accordance with the warrant granted on  
.....  
.....

Insert here date of warrant and of any amendment thereof.

in conformity with the relative plans and specifications and in accordance with the Building Standards (Scotland) Regulations 1971 to 1975 [as relaxed by a direction given on.....by the Secretary of State or the local authority under section 4 of that Act as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973]\*, [and I/we attach hereto a certificate granted under section 9(3) of the Building (Scotland) Act 1959 by the person who installed the electrical installation certifying that the installation complies with the conditions on which the said warrant was granted].\*

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name.....

Address .....

Telephone No.....

Profession .....

\*Delete as appropriate.

FORM 17

CERTIFICATE OF COMPLETION

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

In exercise of the powers conferred upon them by section 9 of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 and the Health and Safety at Work etc Act 1974 the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* hereby certify that, so far as they are able to ascertain after taking all reasonable steps in that behalf, the erection/alteration/extension\* of the building at.....

Insert here address of building.

..... has been completed in conformity with the warrant dated..... (including the relevant plans and specifications) and in accordance with the Building Standards (Scotland) Regulations 1971 to 1975 [as relaxed by a direction given on..... by the Secretary of State or the local authority under section 4 of that Act as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973]\*

Insert date of warrant and of any amendment thereof.

Dated this.....day of.....19 .

.....  
for the local authority.

\*Delete as appropriate.

FORM 18

CERTIFICATE OF COMPLIANCE OF ELECTRICAL INSTALLATION
BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

Name and address of person granting certificate.

I .....
.....

Insert here address of building.

in accordance with the provisions of section 9(3) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 hereby certify that the electrical installation in the building at.....

.....
.....

has been completed by me/under my supervision\* and to the best of my knowledge and belief complies with the Building Standards (Scotland) Regulations 1971 to 1975 and with the relevant conditions of the warrant for the erection/alteration/extension\* of the said building granted by the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* .....

Dated this.....day of.....19 .

Signature.....

Profession.....

\*Delete as appropriate.

Notes

(to be incorporated in the Certificate and any copies thereof)

1. Section 9(4) of the Building (Scotland) Act 1959 provides:—

“If any person, for the purpose of procuring the grant of a certificate of completion, grants or produces under subsection (3) or (3A) above a certificate which he knows to be false or misleading in a material particular, or recklessly grants or produces such a certificate which is false or misleading in a material particular, he shall be guilty of an offence against this Act.”

2. Section 19(2) of the said Act provides:—

“Any person guilty of an offence against this Act,..... shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.”

FORM 19

APPLICATION FOR AUTHORISATION OF TEMPORARY OCCUPATION/USE

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the regional/district/islands\* council as local authority for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*.

I/We .....

Insert here full name(s) and address(es) of applicant(s).

having been granted a warrant, dated the.....day of..... 19 , under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 to erect/alter/extend\* the building at.....

Insert here address of building.

hereby request permission under section 9(6) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 for the [extension of the permission granted on.....]\* for the said building to be temporarily occupied/used\* before a certificate of completion has been issued, for the following reasons—

.....

Signature of applicant or agent.....

Date .....

Particulars of agent (if appropriate)

Name.....

Address .....

.....

.....

Telephone No.....

Profession .....

\*Delete as appropriate.



FORM 20

AUTHORISATION OF TEMPORARY OCCUPATION/USE

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Insert here full name(s) and address(es) of applicant(s).

To .....

Insert here address of building.

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, having received application for permission for/the extension of\* the temporary occupation/use\* of the building at .....[which occupation/use\* was authorised on.....]\* in exercise of their powers under section 9(6) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973, hereby grant/extend\* permission for such occupation/use\* for the period ending on the.....day of.....19 .

Dated this.....day of.....19 .

..... for the local authority.

\*Delete as appropriate.

FORM 21

NOTICE UNDER SECTION 10 TO SHOW CAUSE WHY OPERATIONS SHOULD NOT BE EXECUTED

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To .....

Insert here full name(s) and address(es).

Whereas it appears to the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* that the building at.....

being a building of a class to which the Building Standards (Scotland) Regulations 1971 to 1975 apply—

Insert here address of building.

- [has been or is being constructed without a warrant in respect of the construction having been obtained]\*
[has been or is being constructed in contravention of the conditions on which the warrant for its construction was obtained]\*
[remains in existence after the expiration of the period limited for it by the conditions on which the warrant for its construction was obtained]\*;

And Whereas you are—

- [the person by whom the building has been or is being constructed]\*
[the person on whose behalf the building has been or is being constructed]\*
[in the circumstances set out in section 10(1)(ii) of the Building (Scotland) Act 1959, the person entitled to the interest of.....in the said building]\*

Now Therefore in exercise of the powers conferred on them by section 10(1) of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 the said local authority hereby require you within a period of.....days ending on the .....day of....., 19...—

Insert here period of not less than 21 days.

- [(a)] \*to show cause to them why you should not be required to execute the operations specified in the Schedule hereto, being operations [for the removal of the said building]\* [necessary to make the said building conform to the said Building Standards (Scotland) Regulations 1971 to 1975]\*
[and (b) to cause the work on the said building to be suspended until the matters raised in this Notice have been determined, or until the expiration of the period of one month from the date of service of this Notice, whichever first occurs]\*

Dated this.....day of..... 19....

..... for the local authority.

\*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Notice are:—

.....
.....
.....

## Notes

*(to be incorporated in the Notice and any copies thereof)*

1. Section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 provides:—

.....  
 (1A) In any case falling within paragraph (a) of subsection (1) above, if within the period specified in the notice mentioned in that subsection the person upon whom that notice was served applies for a direction under section 4 of this Act in respect of the building and (if the application is made to the Secretary of State) notifies the local authority that he has done so, the said period shall be deemed to be extended so as to expire—

- (a) where the direction applied for is given, at the end of the period of twenty-one days from the date of the giving of the direction;
- (b) where the direction is refused by the Secretary of State, at the end of the period of twenty-one days from the date of the refusal to give the direction;
- (c) where the direction is refused by the local authority or is granted by the authority subject to conditions—
  - (i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,
  - (ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-one days from the date on which the appeal is determined or abandoned;

and any reference in the following provisions of this section to the operations specified in the notice shall, in a case where the building standards regulations are relaxed by any such direction, be construed as a reference to those operations in so far as they are necessary to make the building conform to the said regulations as so relaxed.

(1B) If within the period specified in the notice mentioned in subsection (1) above (or, in a case falling within subsection (1A) above, that period as extended by virtue of that subsection) the person upon whom the notice has been served fails to show cause to the satisfaction of the local authority why he should not be required to execute the operations specified in the notice, the local authority may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.

(2) Subject to the provisions of section 17 of this Act, if on the expiration of the period specified in the order mentioned in subsection (1B) above the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may execute the operations which the said person has failed to execute; and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) 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 the last foregoing subsection from any person, if that person is the owner of the building.

.....”

2. Paragraph 1 of Schedule 6 to the Building (Scotland) Act 1959 provides:—

“Where under sections 10, 11 or 13 of this Act expenses have been incurred in relation to a building by a local authority the local authority may make in favour of themselves an order (in this Schedule referred to as a ‘charging order’) providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.”

FORM 22

ORDER UNDER SECTION 10 REQUIRING EXECUTION OF OPERATIONS ON A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To .....

Insert here full name(s) and address(es) of owner(s) of building.

Whereas on the.....day of..... 19 , the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 served notice on you under section 10(1) of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 as.....

in respect of the building at.....

Insert here address of building.

And Whereas the said notice required you to show cause within the period ending on the.....day of..... 19 , why you should not be required to execute the operations specified therein, being operations [for the removal of the said building]\* [necessary to make the said building conform to the Building Standards (Scotland) Regulations 1971 to 1975]\*;

And Whereas you have failed to show cause as aforesaid within the said period to the satisfaction of the said local authority;

Now Therefore the said local authority in exercise of the powers conferred upon them by section 10 (1B) of the Building (Scotland) Act 1959 as inserted by the Building (Scotland) Act 1970 and amended by the Local Government (Scotland) Act 1973 hereby order you to execute the operations specified in the Schedule hereto, being [operations for the same purpose as]\* the operations aforesaid, within a period of.....days from the date on which this Order becomes operative under section 16(4) of the Building (Scotland) Act 1959.

Insert here period of not less than 28 days.

Dated this.....day of..... 19 .

..... for the local authority.

\*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Order are:—

.....

## Notes

(to be incorporated in the Order and any copies thereof)

1. Section 16 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 provides:—

“(1) Any person aggrieved by—.....

(d) any order made by a local authority under subsection (1B) of section 10 of this Act requiring the execution of operations,

.....  
 may (except as provided in section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after the date of.....  
 .....the making of the order:

.....  
 (4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.  
 .....

2. Section 10 of the said Act of 1959 as amended provides:—

“.....

(2) Subject to the provisions of section 17 of this Act, if on the expiration of the period specified in the order mentioned in subsection (1B) above the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may execute the operations which the said person has failed to execute; and any expenses thereby incurred by them shall be recoverable from the said person as a debt.

(3) 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 the last foregoing subsection from any person, if that person is the owner of the building.  
 .....

3. Paragraph 1 of Schedule 6 to the said Act of 1959 provides:—

“Where under sections 10, 11 or 13 of this Act expenses have been incurred in relation to a building by a local authority, the local authority may make in favour of themselves an order (in this Schedule referred to as a ‘charging order’) providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.”

4. Section 17 of the said Act of 1959 provides:—

“(1) The provisions of this section shall have effect where a person is required by any order or notice under section 10, 11 or 13 of this Act (in this section referred to as a ‘requirement’) to demolish, or carry out operations in relation to, a building.  
 .....

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section 10, 11 or 13, the local authority seek to recover from the person any expenses incurred by

them in carrying out operations in relation to the building, then, if the person proves—

- (a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section 10, 11 or 13, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

(5) In the case of a requirement being an order under the said section 10, or the said section 11, it shall be a defence to any complaint charging the person with failure to comply with the requirement to prove that at the date of the making of the requirement—

- (a) the person had no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) the amount of the funds, rents and other assets in his possession in that capacity was less than the amount of the expenses which would have been incurred if the requirement had been complied with.

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

.....”  
5. Section 19(2) of the said Act of 1959 provides:—

“Any person guilty of an offence against this Act..... shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.”

FORM 23

NOTICE UNDER SECTION 11 REQUIRING OWNER TO SHOW CAUSE WHY BUILDING SHOULD NOT CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1971 TO 1975

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Insert here full name(s) and address(es) of owner(s) of building.

To .....

Insert here address of building.

Whereas the building at.....owned by you, being a building of a class to which the Building Standards (Scotland) Regulations 1971 to 1975 apply, does not conform to the provision(s) of the said Regulations specified in the Schedule hereto;

Insert here name of local authority.

And Whereas the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* consider that the said building ought, having regard to the need for securing the health, safety, welfare and convenience of the persons who will inhabit or frequent it and the safety of the public generally, and for furthering the conservation of fuel and power, to be made to conform to the said provision(s);

And Whereas the said local authority are satisfied that it is reasonably practicable to make the said building conform to the said provision(s);

Insert here period of not less than 28 days.

Now Therefore in exercise of the powers conferred upon them by section 11(2) of the Building (Scotland) Act 1959, the said local authority hereby require you within a period of.....days ending on the.....day of.....19 , to show cause why the said building should not conform to the said provision(s).

Dated this.....day of.....19.....

..... for the local authority.

SCHEDULE

The provision(s) in respect of which the said building does not conform to the Building Standards (Scotland) Regulations 1971 to 1975 is/are\*

.....

\*Delete as appropriate.

## Note

(to be incorporated in the Notice and any copies thereof )

Section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 the Local Government (Scotland) Act 1973 and the Health and Safety at Work etc Act 1974 provides:—

“(1) The following provisions of this section shall have effect in relation to a building in the area of a local authority, being a building of a class to which the building standards regulations apply, where—

- (a) the building does not conform to a provision of the building standards regulations;
- (b) the local authority consider that the building ought, having regard to the need for securing the health, safety, welfare and convenience of the persons who will inhabit or frequent it and the safety of the public generally, and for furthering the conservation of fuel and power, to be made to conform to that provision; and
- (c) it is reasonably practicable to make the building conform to that provision.

(2) The local authority may serve on the owner of the building a notice specifying the provision to which they consider that the building ought to conform (in this section referred to as ‘the specified provision’) and requiring the owner within such period as may be specified in the notice, being a period of not less than twenty-eight days from the service of the notice, to show cause why the building should not conform to the specified provision.

(3) If within the period specified in the notice mentioned in the last foregoing subsection the owner of the building applies for a direction under section 4 of this Act in respect of the building and notifies the local authority that he has done so, the said period shall be deemed to be extended so as to expire—

- (a) where the direction applied for is given, at the end of the period of twenty-eight days from the date of the giving of the direction;
- (b) where the direction is refused by the Secretary of State, at the end of the period of twenty-eight days from the date of the refusal to give the direction;
- (c) where the direction is refused by the local authority or is granted by the local authority subject to conditions—
  - (i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,
  - (ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-eight days from the date on which the appeal is determined or abandoned;

and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is relaxed by any such direction, be construed as a reference to the specified provision as so relaxed.

(4) If within the period specified in the notice mentioned in subsection (2) of this section (or, in a case falling within the last foregoing subsection, that period as extended by virtue of that subsection) the owner fails to show cause to the satisfaction of the local authority why the building should not be made to conform to the specified provision, the local authority may order the owner to make the building conform to the specified provision within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative.

.....

(9) In this section ‘reasonably practicable’ means reasonably practicable having regard to all the circumstances, including the expense involved in executing the operations necessary to make the building conform to the specified provision.”



FORM 24

ORDER UNDER SECTION 11 TO MAKE BUILDING CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1971 TO 1975

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Insert here full name(s) and address(es) of owner(s) of building. Insert here name of local authority.

Insert here address of building.

Insert here date on notice.

Insert here period of not less than 28 days.

To .....

Whereas on the.....day of..... 19 , the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* served notice on you, under section 11(2) of the Building (Scotland) Act 1959 as owner(s) of the building at.....;

And Whereas the said notice required you to show cause, within the period ending on the.....day of..... 19 , why the said building should not be made to conform to the provision(s) of the Building Standards (Scotland) Regulations 1971 to 1975, specified in the Schedule hereto;

And Whereas you have failed to show cause as aforesaid within the said period [as extended under section 11(3) of the said Act as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973]\* to the satisfaction of the said local authority;

Now Therefore the said local authority in exercise of the powers conferred upon them by section 11(4) of the Building (Scotland) Act 1959 hereby order you to make the said building conform to the provision(s) of the said Regulations specified in the Schedule hereto, within a period of.....days from the date on which this Order becomes operative under section 16(4) of the said Act of 1959.

Dated this.....day of..... 19....

..... for the local authority.

SCHEDULE

The provision(s) referred to in the foregoing Order is/are\*:-

.....

\*Delete as appropriate.

Notes

(to be incorporated in the Order and any copies thereof)

1. Section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 provides:—

(5) Subject to the provisions of section 17 of this Act, if on the expiration of the period specified in the order mentioned in the last foregoing subsection the owner of the building has not complied therewith, he shall be guilty of an offence against this Act, and the local authority may themselves execute the operations necessary to make the building conform to the specified provision; and any expenses thereby incurred by them shall be recoverable from the owner of the building as a debt.

(6) 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 the last foregoing subsection.

(7) No notice served under this section shall specify any provision of the building standards regulations which is described in the regulations as not being subject to specification in such a notice.

(8) An order under subsection (4) of this section shall not become operative—  
(a) except in accordance with subsection (4) of section 16 of this Act;  
(b) before the disposal of any application for a warrant in respect of the operations which are the subject of the order, including the disposal of any appeal under section 16 of this Act against a decision of the local authority refusing to grant a warrant.

2. Section 16 of the said Act of 1959 as amended by the Building (Scotland) Act 1970 provides—

(1) “Any person aggrieved by:—

(e) any order under section 11 of this Act by a local authority requiring a building to be made to conform to any provision of the building standards regulations,

may (except as provided in section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after the date of..... the making of the order.....

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.

3/5. The Notes 3 to 5 appended to this Form should be the same as the Notes 3 to 5 appended to Form 22.

FORM 25

NOTICE REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Insert here full name(s) and address(es) of owner(s) of building.

To .....

Insert here address of building.

Whereas it appears to the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* that the building at.....

Insert here period of not less than 21 days from expiry of period mentioned in paragraph(a).

is dangerous to persons inhabiting or frequenting it or adjacent buildings or places, or to the public generally;

Now Therefore in exercise of the powers conferred on them by section 13(1)(c) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 the said local authority hereby require you as owner(s) of the said building—

- (a) to begin within a period of 7 days from the service of this notice, and
(b) to complete to their satisfaction within the period ending on the..... day of.....19....

the operations specified in the Schedule hereto being operations for the repair securing or demolition of the building which are in the opinion of the local authority necessary to remove the danger aforesaid.

Dated this.....day of..... 19....

..... for the local authority.

\*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing notice are:—

.....
.....
.....

Note

(to be incorporated in the Notice and any copies thereof)

Section 13(2) of the Building (Scotland) Act 1959 provides:—

“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 local authority, after giving the owner and any other person appearing to them to have an interest an opportunity to be heard, may make an order requiring the owner to execute the said operations within such period as shall be stated in the order.”

FORM 26

NOTICE OF INTENTION TO MAKE ORDER REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To .....

Insert here full name and address of person to whom notice is being given.

1. Whereas on the.....day of..... 19... the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* served notice under section 13(1)(c) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 on.....

Insert here full name(s) and address(es) of owner(s) of building.

..... as owner(s) of the building at.....

Insert here address of building.

being a building which in the opinion of the said local authority is dangerous to persons inhabiting or frequenting it or adjacent buildings, or to the public generally, requiring the said owner(s)—

- (a) to begin within a period of 7 days from the said date of service, and (b) to complete to the satisfaction of the said local authority within the period ending on the.....day of..... 19....

the operations specified in the Schedule hereto, being operations for the repair, securing or demolition of the said building;

And Whereas the said owner(s) has/have\* not begun/completed\* the said operations within the said period to the satisfaction of the local authority; Now Therefore the said local authority give notice of their intention to make an order under section 13(2) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 requiring the said owner(s) to execute the said operations within such period as shall be stated in the order.

2. Any person on whom this notice is served may by a statement in writing, lodged with or sent to.....

State name and address of the local authority.

..... within 7 days from the date of this notice object to the making of the order and apply to be heard by the local authority.

3. Any objection so made should state—

- (a) the interest by reason of which the person objecting claims to be entitled to be heard, (b) the grounds of objection, and (c) an address at which documents may be served upon him.

4. Where the person objecting is not the owner, a copy of any objection should be served on the owner.

..... for the local authority.

.....19 .

## SCHEDULE

The operations referred to in the foregoing application, which have not been completed/begun\* are:—

1. ....
2. ....
3. ....

\*Delete as appropriate.

## Notes

(to be incorporated in the Notice and any copies thereof)

1. Section 13(2) of the Building (Scotland) Act 1959 provides:—

“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 local authority, after giving the owner and any other person appearing to them to have an interest an opportunity to be heard, may make an order requiring the owner to execute the said operations within such period as shall be stated in the order.”

2. Regulation 52 of the Building (Procedure) (Scotland) Regulations 1975 provides as follows:—

“Orders relating to dangerous buildings

52.—(1) Where a local authority intend to make an order under section 13(2) of the Act they shall notify—

- (a) the owner of the building, and
- (b) every other affected proprietor, and
- (c) any other person appearing to the local authority to have an interest, of their intention to make the order.

(2) Any person to whom notification has been given under paragraph (1) of this regulation may, at any time before the expiry of a period of 7 days after the date of such notification, by a statement in writing lodged with the local authority object to the making of the order and apply to be heard by the local authority (which statement is hereafter in this regulation referred to as an “objection”).

(3) Any such objection shall state—

- (a) the interest by reason of which the person objecting claims to be entitled to be heard,
- (b) the grounds of objection, and
- (c) an address at which documents may be served upon him,

and where the person objecting is not the owner of the building in respect of which the order is intended to be made he shall serve a copy of the objection on the owner:

Provided that the local authority may if they think fit hear any person who has applied to be heard under this regulation notwithstanding that he has not complied with the provisions of this paragraph.

(4) If during the period mentioned in paragraph (2) of this regulation no objection is lodged by any of the persons mentioned therein the local authority may make the order forthwith.

(5) Where an objection is lodged under paragraph (2) of this regulation the matter shall be put out for a hearing by the local authority to be held on a date not less than 7 days after receipt of the objection, and the local authority shall give notice of the date, time and place of the hearing to the person objecting and, where that person is not the owner, to the owner:

Provided that where more than one objection is lodged under this regulation

---

the matter shall not be put out for a hearing earlier than 7 days after the date of receipt of the later or latest objection.

(6) Notwithstanding that the owner or any other person fails to attend or be represented at a hearing of which he has had notice under paragraph (5) of this regulation the local authority shall before reaching a decision on the making of the order take into account any objection lodged by him under paragraph (2) of this regulation or otherwise.”

FORM 27

ORDER UNDER SECTION 13 REQUIRING OWNER TO EXECUTE OPERATIONS ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Whereas on the.....day of..... 19... the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* gave notice of their intention to make an order under section 13(2) of the Building (Scotland) Act 1959 requiring .....

Insert here full name(s) and address(es) of the owners.

.....

Insert here address of building.

the owner(s) of the building at.....

to execute the operations specified in the notice being operations necessary in the opinion of the said local authority to remove danger;

And Whereas the said local authority, having given the said owner(s) and any other person appearing to them to have an interest an opportunity to be heard, consider that the said Order should be made [subject to the following modifications:

.....]\*

Insert here period within which Order is to be complied with.

Now Therefore the said local authority in exercise of the powers conferred on them by the said section 13(2) hereby require the said owner(s) to execute on the said building the operations specified in the Schedule hereto, within a period of .....from the date on which this Order becomes operative under section 16(4) of the said Act.

Dated this.....day of..... 19...

..... for the local authority.

\*Delete as appropriate.

SCHEDULE

The operations referred to in the foregoing Order are:—

.....

## Notes

(to be incorporated in the Order and any copies thereof)

1. Section 16 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 and the Local Government (Scotland) Act 1973 provides—

“(1) Any person aggrieved by—

.....  
 (f) any order of a local authority under subsection (2) of section 13 of this Act requiring the execution of operations  
 .....

may (except as provided in section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after.....  
 the making of the order.

(4) Any order as respects which an appeal to the sheriff might be brought under this section shall not become operative until either the time within which an appeal can be made under this section has elapsed without an appeal being made, or, in a case where an appeal is made, the appeal (including any further proceedings under the last foregoing subsection) is determined or abandoned.  
 .....

2. Section 13 of the Building (Scotland) Act 1959 provides:—

“(3) An order under the foregoing subsection shall become operative only in accordance with subsection (4) of section 16 of this Act.

(4) If an order under subsection (2) above is not duly complied with the local authority may execute the operations which the owner has failed to execute or demolish the building.

(5) Any expenses incurred by a local authority in executing their functions under this section in respect of any building shall, subject to the provisions of section 17 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.  
 .....

3. Paragraph 1 of Schedule 6 to the said Act of 1959 provides:—

“Where under sections 10, 11 or 13 of this Act expenses have been incurred in relation to a building by a local authority, the local authority may make in favour of themselves an order (in this Schedule referred to as a ‘charging order’) providing and declaring that the land comprising the building and its site and any land held in connection therewith (all of which land shall be specified in the order) is thereby charged and burdened with an annuity to pay the amount of the expenses.”

4. Section 17 of the said Act of 1959 provides:—

“(1) The provisions of this section shall have effect where a person is required by any order or notice under section 10, 11 or 13 of this Act (in this section referred to as a ‘requirement’) to demolish, or carry out operations in relation to, a building.  
 .....

(3) If the person is not in occupation of the building he shall nevertheless, on giving to the occupier such notice as is reasonable in the circumstances, be entitled, notwithstanding any term to the contrary in any lease or other contract, to enter on the building, and any land adjacent thereto and held in connection therewith, for the purpose of complying with the requirement.

(4) Where, in pursuance of any provision of the said section 10, 11 or 13 the local authority seek to recover from the person any expenses incurred by



them in carrying out operations in relation to the building, then, if the person proves—

- (a) that he has no interest in the building except in the capacity of a trustee, tutor, curator, judicial factor or liquidator of a company, and
- (b) that he has not, and since the date of the service on him of a demand for payment of the expenses aforesaid has not had, in his hands in that capacity sufficient funds, rents and other assets to discharge the whole demand of the authority,

his liability shall, notwithstanding anything in the said section 10, 11 or 13, be limited to the total amount of the funds, rents and other assets which he has, or has had, in his hands as aforesaid.

.....

(6) If a person alleges that the whole or any part of the expenses incurred or to be incurred in complying with the requirement ought to be borne by any other person having an interest in the building, he may apply to the sheriff, and the sheriff may make such order concerning the expenses or their apportionment as appears to him, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be equitable.

.....”

FORM 28

AUTHORITY TO ENTER PREMISES

BUILDING (SCOTLAND) ACTS 1959 AND 1970

In exercise of the powers conferred on the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* by section 18(1) of the said Act of 1959 as amended by the Local Government (Scotland) Act 1973.....

Insert here full name, designation and address of person authorised to enter premises.

is hereby authorised to enter any premises at all reasonable times for the purpose of—

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section 4 of the said Act of 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 and as amended by the Local Government (Scotland) Act 1973 or warrants under section 6 of the said Act of 1959 as amended by the said Acts of 1970 and 1973 have been made;
(b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph;
(c) inspecting any buildings as to which the local authority have reasonable cause to believe that a change of use is proposed or has taken place;
(d) inspecting any building which the local authority have reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally;
(e) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section 11 of the said Act of 1959 as amended by the said Acts of 1970 and 1973, or
(f) executing any operations under section 10 or 11 of the said Act of 1959 as amended by the said Acts of 1970 and 1973 or under section 13 of the said Act of 1959 as amended by the said Act of 1973.

Dated this.....day of.....19...

..... for the local authority.

\*Delete as appropriate.

Notes

(to be incorporated in the Authority and any copies thereof)

1. Section 18 of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 provides:—

“(1) Subject to the provisions of subsection (3) of this section any person authorised in writing by a local authority, on exhibiting his authority if requested to do so, may at all reasonable times enter any premises for the purpose of—

- (a) inspecting buildings which are in course of construction, or which have been constructed but for which no certificate of completion has been issued, or the sites of buildings in respect of which applications for directions under section 4, or warrants under section 6 of this Act have been made;

- (b) applying any reasonable tests to determine the quality and strength of any material used or proposed to be used in the construction of any building such as is mentioned in the foregoing paragraph;
- (c) inspecting any buildings as to which the local authority have reasonable cause to believe that a change of use is proposed or has taken place;
- (d) inspecting any building which the local authority have reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally;
- (e) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section 11 of this Act; or
- (f) executing any operations under section 10, 11 or 13 of this Act; and may execute any of the said purposes.

(3) No person shall be entitled to enter any premises by virtue of subsection (1) of this section for the purposes specified in paragraph (c), (e) or (f) thereof unless he has given three days' notice of his intention to do so to the occupier, and (unless the owner is unknown) also to the owner, of the premises.

.....

(5) A person entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectively secured against unauthorised entry as he found them.

.....

(7) A person who wilfully obstructs any person acting in the execution of any of the purposes mentioned in subsection (1) of this section shall be guilty of an offence against this Act.

(8) If any person who, by virtue of the provisions of this section, or of a warrant issued thereunder, enters a factory or work-place, discloses to any other person any information obtained by him in the factory or work-place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence against this Act.

(9) In this section any reference to premises includes a reference to sites and buildings, and any reference to a justice of the peace includes a reference to the sheriff.

.....”

2. Section 19 of the Building (Scotland) Act 1959 provides:—

“(1) Any person guilty of an offence under section 18(7) or section 25(3) of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.

(2) Any person guilty of an offence against this Act, except as specified in the foregoing subsection, shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued.”

FORM 29

NOTICE OF INTENTION TO ENTER PREMISES

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

To .....

Insert here full name and address of owner/occupier of premises.

the owner/occupier\* of the premises at .....

Insert here address of premises.

I....., being a person duly authorised under and in terms of section 18 of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 to enter any premises for the purposes therein stated hereby give notice in accordance with the provisions of section 18(3) of the said Act of 1959 as amended by the said Act of 1973 that I intend to enter the premises at.....

Insert here address of premises.

on or after the..... day of.....

Insert here date.

..... 19 , for the purpose of..... which purpose is authorised by section 18(1) of the said Act of 1959 as amended by the said Act of 1973.

Insert here purpose(s) for which entry is required.

Dated this..... day of..... 19 .

(Signed) .....

(Designation) .....

Official address.....

\*Delete as appropriate.

Notes

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 28.

FORM 30

CHARGING ORDER

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

Insert here name of local authority.

The regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\*, in exercise of the powers conferred upon them by Schedule 6 to the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973, do hereby provide and declare that the subjects described in the Schedule hereto are hereby charged and burdened with payment to the said.....

Insert here name of local authority.

Insert here in words the amount of the annuity.

of an annuity of....., payable on the.....

Insert here the date one year from the date of the Order.

day of....., in the year....., and in every year for the term of thirty years from the date of this Order.

Insert here name of local authority. †The Order should be signed in the manner in which the local authority's deeds are normally executed.

†Signed on behalf of the said.....this .....day of.....19...

..... for the local authority.

\*Delete as appropriate.

SCHEDULE

\*Description of subjects should preferably include a reference to a recorded title.

*Description of Subjects	Name and Designation of Owner

FORM 31

NOTICE TO REMOVE FROM DANGEROUS BUILDING OR BUILDING ADJACENT THERETO

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To .....

Insert here name and address of occupant required to remove.

Whereas it appears to the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* that the building at..... is dangerous to persons inhabiting or frequenting it or adjacent buildings or places, or to the public generally;

Insert here address of building.

Now Therefore in exercise of the powers conferred on them by section 13(1) of, and Schedule 7 to, the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 the said local authority hereby require you, the occupant of [the building at.....

Insert here address(es) of building(s).

..... adjacent to]\* the said building, to remove from [the said building at..... adjacent to]\* the said dangerous building at..... with all other members of your household residing therein, within..... from the date hereof.

Insert here period within which occupant is to remove.

Dated this.....day of.....19...

..... for the local authority.

\*Delete as appropriate.

## Notes

*(to be incorporated in the Notice and any copies thereof)*

1. Section 13 of the Building (Scotland) Act 1959 provides:—

“(1) If it appears to the local authority that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally they shall forthwith—

- (a) require any occupants of the building in question, and of any adjacent building, being persons whom they consider to be endangered by the state of the building in question, to remove immediately from those buildings;

.....

.....

(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.”

2. Schedule 7 to the Building (Scotland) Act 1959 provides:—

“1. For the purpose of securing the removal of any occupants from a building in the circumstances referred to in subsection (6) of section 13 of this Act, the local authority shall give written notice to the occupants requiring them to remove from the building within such period as may be specified in the notice.

2. On the expiry of the period so specified the local authority may make a summary application to the sheriff for a warrant for the ejection of any such occupants who have not removed from the building or any part thereof, and the sheriff, after the service of such additional notice (if any) as he may require and on production of a certificate under the hand of the proper officer of the local authority bearing that the building is a source of immediate danger, or that an order has been made under section 13 of this Act requiring the building to be demolished, shall grant warrant for ejection within such period, not being more than seven days from the date of presentation of the said application or, in the case where the sheriff has required additional notice, seven days from the date of service of that additional notice.

.....”

FORM 32

**CERTIFICATE THAT BUILDING IS A SOURCE OF IMMEDIATE DANGER**

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

In exercise of the powers conferred on them by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973, the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* hereby certify that—

- (a) the building at.....  
is a source of immediate danger;
- (b) notice conform to paragraph 1 of Schedule 7 to the said Act as amended  
has been served on.....  
.....  
.....  
being all the known occupants of the said building [and of.....  
.....  
the building(s) adjacent to the said building]\*.

Insert here  
address of  
building.

Insert here  
address(es)  
of adjacent  
building(s).

Dated this.....day of.....19...

.....  
for the local authority.

\*Delete as appropriate.



FORM 33

**CERTIFICATE THAT ORDER HAS BEEN MADE UNDER SECTION 13 REQUIRING BUILDING TO BE DEMOLISHED**

**BUILDING (SCOTLAND) ACTS 1959 AND 1970**

In exercise of the powers conferred on them by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973 the regional/district/islands\* council [as local authority] [acting under section 56 of the Local Government (Scotland) Act 1973 as local authority]\* for the purposes of the Building (Scotland) Acts 1959 and 1970 for the region/district/islands area\* hereby certify that—

Insert here address of building.

(a) an Order was made by the said local authority on the..... day of..... 19....., under section 13(2) of the Building (Scotland) Act 1959 as amended by the Local Government (Scotland) Act 1973, requiring the building at.....

to be demolished;

(b) notice conform to paragraph 1 of Schedule 7 to the said Act as amended has been served on.....

being all the known occupants of the said building.

Dated this.....day of.....19...

..... for the local authority.

\*Delete as appropriate.



## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations, which are made under section 24 of the Building (Scotland) Act 1959, revoke and re-enact with certain amendments the Building (Forms) (Scotland) Regulations 1971. The amendments are designed principally to take account of the transfer of the functions of buildings authorities and masters of works to the new local authorities established by the Local Government (Scotland) Act 1973 and to implement certain procedural changes introduced by the Health and Safety at Work etc Act 1974.

The Regulations prescribe the forms in which applications, warrants, directions, notices, orders and other documents should be made under the provisions of the Building (Scotland) Acts 1959 and 1970, as amended by the 1973 and 1974 Acts.

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