STATUTORY INSTRUMENTS

1964 No. 711 (S. 42)

BUILDING AND BUILDINGS

The Building (Forms) (Scotland) Regulations 1964

Made - - - -	14*th May* 1964
Laid before Parliament	26*th May* 1964
Coming into Operation	15*th June* 1964

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 1964, and shall come into operation on 15th June 1964.

(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 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) Act 1959 in the cases to which these forms are applicable.

(2) In the forms so set out any reference to the Building Standards (Scotland) Regulations 1963(c) shall, except where the context otherwise requires, be construed as a reference to those regulations as amended by any subsequent regulations.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.
14th May 1964.

SCHEDULE

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(a) 7 & 8 Eliz. 2. c. 24. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1963/1897 (1963 III, p. 3534).

Form	*Purpose*	*Reference to sections of the Building (Scotland) Act 1959*
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1. APPLICATION FOR RELAXATION OF THE BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

To the Secretary of State for Scotland,
St. Andrew's House,
Edinburgh, 1.

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

I/We .....
.....
under reference to the particulars given in the Schedule hereto [and in the plans, specifications and other information which accompany this application],* hereby apply under section 4 of the Building (Scotland) Act 1959, in connection with—

[See Note 1.]

a proposed/an* application for warrant for erection/alteration/extension ;*

*a notice under section 11 of the Building (Scotland) Act 1959 dated , 19

for a direction that in relation to the [proposed]* building at .....
..... the provisions of the Building Standards (Scotland) Regulations 1963 set out in the said Schedule—

*shall not apply

*shall apply subject to the modifications set out in the said Schedule.

[See Note 2.]

[I have notified the ..... of ....., as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of ..... that I have made this application.]

Signature of applicant or agent .....

Date .....

* Delete as appropriate.

SCHEDULE

PART I

Regulation	Provision from which relaxation sought	Proposed relaxation (give here details of any modification sought)	Reasons for for application

PART II

[See Note 3.]

Particulars of Affected Proprietors

Name	*Address*
.....	.....
.....	.....
.....	.....

Notes for the Guidance of the Applicant

1. Under section 4 of the Building (Scotland) Act 1959 if it appears to the Secretary of State that it is unreasonable that any provision of the Building Standards Regulations should apply to a building or apply to it without modification, he may direct that the provision shall not apply to the building or shall apply subject to modifications.

2. This paragraph is appropriate only where the application for relaxation follows the service of a notice by the local authority under section 11 of the Building (Scotland) Act 1959 requiring the owner of a building to show cause why his building should not conform to a provision of the Building Standards (Scotland) Regulations 1963. The owner may, within the period specified in the notice, apply to the Secretary of State for a relaxation. If he does so, he must notify the local authority of this fact.

3. "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 100 yards of any part of the building or of the site thereof, and

(*c*) an owner of land part of which is within 15 feet of any part of the building or site thereof.

2. Application for Warrant to Erect a Building

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority*
buildings authority for the county/city of

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

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

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to erect a building at .....
.....

Insert here address of site or building.

of which I am/we are .....

State interest in site, e.g., owner, tenant.

all in conformity with the plans, sections, elevations and drawings [and specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto.

[See Note 1.]

I/We also apply for permission under section 8 of the said Act 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:

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

and for authority under the said section 8 to erect staging or scaffolding so as to project over the portion of ..... shown in the said plans.*

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

Signature of applicant or agent .....

Date .....

* Delete as appropriate.

SCHEDULE

PART I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name .....

Postal Address .....

Telephone Number .....

Profession .....

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended to start the operations?

4. What is the estimated cost of the operations?

5. What is the proposed use of the building? (Where more than one use is proposed, state the uses and indicate the part of the building allocated to each use.)

PART II

*Particulars of Construction**

1. *Site*

(*a*) State briefly the results of any site investigation. (*a*).....

(*b*) State briefly proposed treatment of solum. (*b*).....

2. *Structure*

(*a*) State brief details of materials, construction and finishes (so far as not evident from plan submitted with application for warrant) in—

(i) external walls; (i).....
(ii) fire division walls; (ii).....
(iii) separating walls; (iii).....
(iv) compartment floors; (iv).....
(v) separating floors; (v).....
(vi) roofs; (vi).....
(vii) enclosing walls of stairs and landings; (vii).....
(viii) ceilings, including ceilings over staircases and balconies; (viii).....
(ix) any ventilation, plumbing or other duct; (ix).....
(x) windows; (x).....
(xi) doors in protected doorways, and (xi).....
(xii) stairs. (xii).....

(*b*) In the case of a residential building to which Part IX of the Regulations apply, state—

(i) thermal transmittance coefficient of each part of the external walls (see regulation 109(1)); (i).....

(ii) the average thermal transmittance coefficient of external walls over the building or each house in the building, as the case may be (see regulation 109(2)); (ii).....

(iii) the thermal transmittance coefficient of the roof (see regulation 108); (iii).....

(iv) the thermal transmittance coefficient of any part of the floor exposed to the open air (see regulation 110(2)).† (iv).....

3. *Services*

State briefly details of such of the following installations as are in the building—

(*a*) heating installation (including fuel storage); (*a*).....

(*b*) lifts provided so as to comply with regulation 61 or 182 (giving the size and loading of the lift car, the speed thereof and details of the control devices); (*b*).....

(*c*) mechanical ventilation system; (*c*).....

(*d*) firemains provided so as to comply with regulation 60; (*d*).....

(*e*) refuse disposal arrangements provided so as to comply with regulation 196. (*e*).....

4. *Miscellaneous*

State allocation and occupant capacity of each room and storey (see regulation 6). .....

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* If the information asked for under any of the heads of this Part of the Schedule is already available in a plan or other document submitted with this application, it is sufficient to give a reference to the plan or other document in question. Where necessary, any of the information asked for may be shown on a separate sheet attached to this application.

The references in the Schedule to regulations are references to regulations of the Building Standards (Scotland) Regulations 1963.

† Where the walls, roof, or floor meet a deemed-to-satisfy specification set out in Schedule 9 to the Building Standards Regulations, it will be sufficient to insert a reference to the relevant specification.

DOCQUETS OF SERVICE

1. *Certificate of Service of Copies of Application*

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

..... [See Note 3.]

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

Name	*Address*
.....	.....
.....	.....
.....	.....

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

Witness to Service..... Date..... [See Note 4.]

2. *Acceptance of Service*

We, severally and respectively, accept service of the foregoing application and dispense with formal service—

Dates	*Signatures*
.....	.....
.....	.....
.....	.....

Notes for Guidance of Applicant

1. Section 6 of the Building (Scotland) Act 1959 provides:—

" .....

(2) A buildings authority shall, subject to subsection (8) of this section, 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—

(*a*) a buildings authority which is a dean of guild court to refuse to grant a warrant (or an amendment of the terms of a warrant) if in the exercise of any jurisdiction exercisable by them apart from this Act they have determined that the operations or change of use in respect of which the warrant or amendment has been applied for would result in an infringement of a private right or otherwise be contrary to law, or

(*b*) any buildings 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 if, where the application relates to an extension to, or alteration of, a building, they consider 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 with the building standards regulations;

and nothing in this section shall be taken to prejudice the operation of section seventeen of the Restriction of Ribbon Development Act, 1935, or sections two, three or six of the Thermal Insulation (Industrial Buildings) Act, 1957 (which sections in their application to Scotland relate to the power of buildings authorities to refuse to grant warrants in certain circumstances).

..... "

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

3. "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 100 yards of any part of the building or of the site thereof, and

(*c*) an owner of land part of which is within 15 feet of any part of the building or site thereof.

(Regulation 6(4) of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.)

4. Section 25(1) of the Building (Scotland) Act 1959 provides that the provisions of section 349 of the Local Government (Scotland) Act 1947 shall apply to the service of any document required to be served under that Act.

3. Application for Warrant to Erect a Building intended to have a Limited Life

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, / buildings authority for the county/city of ..... as buildings authority*

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

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

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to erect a building at .....
.....

Insert here address of building or site.

of which I am/we are .....

State interest in site, e.g., owner, tenant.

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

[See Note 1.]

[See Note 5.]

I/We also apply for permission under section 8 of the said Act 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 to erect staging or scaffolding so as to project over the portion of ..... shown in the said plans*.

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

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

Signature of applicant or agent .....

Date .....

* Delete as appropriate.

Schedule

The Schedule to this Form should be the same as the Schedule to Form 2.

Docquets of Service

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

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 2.

5. In relation to a building to be constructed in accordance with the special provisions of the Building Standards (Scotland) Regulations 1963, relating to buildings intended to have a limited life, the period of intended life of the building should not exceed 5 years.

4. Application for Warrant to Alter or Extend a Building

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority*
buildings authority for the county/city of

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

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

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to

Insert here "alter", or "extend" [see Note 5].

..... [....., forming part

Insert here address of building.

of]* the building at .....
.....

State interest in building, e.g., owner, tenant. [See Note 1.]

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 particulars given in the Schedule hereto.

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

I/We also apply for permission under section 8 of the said Act 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 to erect staging or scaffolding so as to project over the portion

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

of ..... shown in the said plans*.

Signature of applicant or agent .....

Date .....

* Delete as appropriate.

Schedule

Part I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name .....

Postal Address .....

Telephone Number .....

Profession .....

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended to start the operations?

4. What is the estimated cost of the operations?

5. What is the present use of the building or the part of the building covered by the application? (If there is more than one use state the uses and indicate the part allocated to each use.)

6. What is the proposed use of any extension to the building? (Where more than one use is proposed state the use and indicate the part allocated to each use.)

PART II

(Part II of the Schedule to this Form should be the same as Part II of the Schedule to Form 2.)

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

1/4. The Notes 1 to 4 appended to this Form should be the same as the Notes 1 to 4 appended to Form 2.

5. Where a proposed alteration or extension of a building involves a change of use of the building or any part thereof a combination of Forms 4 and 5, suitably adapted, should be used.

5. APPLICATION FOR WARRANT TO CHANGE THE USE OF A BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,*
buildings authority for the county/city of

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

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to change the use of [..... forming part of]* the building at [See Note 2.]
..... Insert here address of building.
.....

of which I am/ we are..... State interest in building, e.g., owner, tenant.
in accordance with the particulars given below and by reference to the plan(s) [sections, elevations, drawings and specifications and other statements]* produced herewith. [See Note 1.]

Signature of applicant or agent .....

Date .....

* Delete as appropriate.

SCHEDULE

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name .....

Postal Address .....

Telephone Number .....

Profession .....

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended that the change of use should take place?

4. (*a*) What is the present use of the building or the part of the building covered by the application? (If there is more than one use state the uses and indicate the part allocated to each use).

(*b*) What is the proposed new use of such building or part thereof? (Where more than one new use is proposed state the uses and indicate the part allocated to each use).

(*c*) State the provisions of the Building Standards (Scotland) Regulations 1963 which will become applicable or will apply more onerously to the building or part thereof by reason of the change of use.

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

Notes for Guidance of Applicant

2. "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 (Scotland) Regulations 1963 apply, or, if it is already within such a class, within a class to which additional or more onerous provisions of these Regulations apply. (See section 29(1) of the Building (Scotland) Act 1959.)

Where a proposed change of use of a building or part of a building involves alterations or extensions of the building or part a combination of Forms 4 and 5, suitably adapted, should be used.

1, 3 and 4. The Notes 1, 3 and 4 appended to this Form should be the Notes 1, 3 and 4 appended to Form 2.

6. Application for Warrant to demolish a building

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, buildings authority for the county/city of as buildings authority*

I/We .....

.....

.....

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

apply under section 6 of the Building (Scotland) Act 1959 for a warrant to demolish a building at.....

.....

Insert here address of building.

of which I am/we are .....,

State interest in building, e.g., owner, tenant.

in accordance with the particulars given below, and by reference to the plan produced herewith.

[See Note 1.]

I/We also apply for permission under section 8 of the said Act 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 to erect staging or scaffolding so as to project over the portion of.....shown in the said plan*.

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

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

Signature of applicant or agent .....

.....

Date .....

* Delete as appropriate.

Part I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

Name .....

Postal Address .....

Telephone Number .....

Profession .....

2. When is it intended to start the operations?

Part II

Particulars of building to be demolished

Give such particulars as are necessary to show that the operations involved will be conducted in accordance with the Building (Operations) (Scotland) Regulations 1963 [and any direction issued by the master of works under these Regulations], so far as such particulars are not shown in the plan produced with the application.

Docquets of Service

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

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 2.

7. Application for Minor Warrant

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority,*
buildings authority for the county/city of

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

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

[See Note 1.]

apply under sections 6 and 7 of the Building (Scotland) Act 1959 for a warrant to .....

Insert here "erect", "alter" or "extend".

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

Insert here address of building or site.

State interest in building, e.g., owner, tenant.

of which I am/we are .....

[See Notes 2 and 3.]

all in conformity with the plans [sections, elevations and drawings, specifications and other statements]* produced herewith and in accordance with the particulars given in the Schedule hereto.

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

* Delete as appropriate.

Schedule

Part I

Particulars of Application

(In Block Capitals)

1. Name and address of agent (if any) acting on the applicant's behalf.

   Name .....
   Postal Address .....
   Telephone Number .....
   Profession .....

2. Has any direction been given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 (which relates to the relaxation of building standards in particular cases)? If so attach a copy of the direction.

3. When is it intended to start the operations?

4. What is the estimated cost of the operations?

5. What is the use or proposed use of the building or the part of the building covered by the application? (Where more than one use is proposed state the uses or proposed uses and indicate the part of the building allocated to each use.)

PART II

(Part II of the Schedule to this Form should be the same as Part II of the Schedule to Form 2.)

Certificate by Applicant

I/We certify that a copy of this application has been duly served upon the master of works and that all the affected proprietors have signed the docquet hereto. [See Note 4.]

Signature of applicant or agent [See Note 5.]
or other person effecting the service .....

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

Docquet

We, the undersigned, hereby dispense with formal service of the foregoing application and state that we have no objection to the carrying out of the operations mentioned therein.

Dates	*Signatures*
.....	.....
.....	.....
.....	.....

Notes for Guidance of Applicant

1. Where a proposed alteration or extension of a building involves a change of use of the building or any part thereof a combination of Forms 5 and 7, suitably adapted, should be used.

2. Minor works are prescribed in regulation 3 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 as any construction—

"(*a*) the cubic capacity of which does not, in the case of the erection or extension of a building, exceed 4,000 cubic feet, and

(*b*) the estimated cost of which does not, in any case, exceed £500."

3, 4 and 5. The Notes 3, 4 and 5 appended to this Form should be the same as the Notes 1, 3 and 4 appended to Form 2.

6. Section 7 of the Building (Scotland) Act 1959 makes provision for the delegation of the functions of the buildings authority in dealing with applications for warrant for minor works—

(*a*) to their clerk or

(*b*) to the master of works appointed by the local authority.

An application cannot, however, be dealt with under the delegation unless it is shown that the affected proprietors have no objection to the granting of the application. Where the delegation is to the clerk to the buildings authority it must also be shown that there is no objection on the part of the master of works. This is done by each affected proprietor (and where appropriate, the master of works) signing the docquet above. Where the signature of all the affected proprietors (and where appropriate, the master of works) cannot be obtained the application must be made under the ordinary procedure.

7. If any person is aggrieved by a refusal of the clerk of a buildings authority or a master of works to grant a warrant applied for by him he may require his application to be referred to, and dealt with by, the buildings authority.

8. Service Copy of Application for Warrant

BUILDING (SCOTLAND) ACT 1959

[On a copy of the application for warrant as lodged by the applicant with the buildings authority (but excluding the Schedule to the application and docquets of service) there should be endorsed the following notice]

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

To ..... as $\frac{\text{affected proprietor*}}{\text{master of works}}$

1. You are hereby served with the foregoing application for warrant, which is about to be lodged with the [Dean of Guild Court, ..., as]* buildings authority for the burgh/county/city* of .....

State where plans and other relevant particulars may be examined.

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

3. You may by a statement in writing lodged with or sent to .... as clerk to the ..... within 14 days

Insert here date of the making of application.

from ..... object to the granting of the application and apply to be heard by the buildings authority.

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 on which you intend to rely, and

(*c*) an address at which documents may be served upon you.

5. A copy of any objection should be served on the applicant for warrant [and on the master of works]*

Signature of applicant or agent .....

.....

Insert address of applicant or agent and date.

..... 19

* Delete as appropriate

Notes

(to be incorporated in each service copy of the Application)

1. Regulation 6 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 provides:—

"(1) An applicant for a warrant or an amendment of a warrant shall, before lodging the application with the clerk to the buildings authority, serve a service copy of the application on every other affected proprietor and on the master of works:

Provided that nothing in this paragraph shall require service of a service copy of the application on any person who has signed the form of application as dispensing with formal service thereof.

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

....."

2. Regulation 7 of the said regulations provides:—

"....

(3) Subject to regulation 8(1), on receipt of an objection the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt and the clerk to the buildings authority shall serve notice of the date, time and place of the meeting of the authority on the person objecting, on the applicant

and (if the master of works is not the person objecting) on the master of works:

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

(4) If any person who has lodged an objection to the granting of an application appears before the buildings authority at a hearing of the application, the buildings authority may require that person to lodge a further statement of objections in writing in supplement of any statement already lodged, at the same time serving a copy of such further statement on the applicant and (if the person objecting is not the master of works) on the master of works.

(5) Where at the hearing of an application any person who has lodged an objection under this regulation fails to attend, either in person or by a representative, the buildings authority may determine the application in his absence so, however, that they shall take into account any statement of the grounds of objection which has been lodged with the buildings authority and a copy of which has been served on the applicant.

(6) Where the applicant fails to attend or be represented at the hearing of an application of which notice has been given under paragraph (3) of this regulation the application shall be continued for hearing at the next following meeting of the buildings authority, and notice of the date, time and place of the meeting shall be served by the clerk to the buildings authority on the persons mentioned in paragraph (3) of this regulation; if the applicant fails then without good cause shown to attend or be represented the buildings authority may dismiss the application.

....."

3. Regulation 8 of the said regulations provides that if during the period mentioned in paragraph 2 of this notice no objection is lodged or every objection so lodged has been withdrawn the buildings authority may grant the application at any meeting of the authority after the expiry of the said period, or after the date of withdrawal, notwithstanding that the applicant is not present or represented before them.

9. Warrant to Erect, Alter or Extend a Building

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, ... as]* buildings authority for the burgh/county/city* of....., having considered the application by ..... dated ..... 19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the erection/alteration/extension* of a building at ..... subject to the following conditions—

(*a*) that the building shall be erected/altered/extended* in conformity with the plans [sections, elevations and drawings, specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto;

(*b*) that the building shall be erected/altered/extended* in accordance with the Building Standards (Scotland) Regulations 1963;

[(*c*) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 are observed.]*

Dated this day of , 19 .

.....

Clerk to the [Dean of Guild Court as]* buildings authority

* Delete as appropriate.

Notes

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

1. A warrant granted by the buildings 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 buildings authority on application made to them at any time (regulation 9 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.

2. Any person carrying out operations in pursuance of a warrant granted under the Act shall give written notice to the clerk to the buildings authority—

(*a*) of the date on which work is commenced ;

(*b*) when any drain has been laid and is ready for test under regulation 142(6)(*a*) of the Building Standards (Scotland) Regulations 1963 ;

(*c*) when a drain track has been in-filled and the drain is ready for a second test in accordance with regulation 142(6)(*b*) of the said regulations, and

(*d*) of the date on which the operations are completed.

There is no need to give notice of the date on which operations are completed where application to the buildings authority for a certificate of completion has been made in the prescribed form. (See regulation 21 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964.)

10. WARRANT TO ERECT A BUILDING INTENDED TO HAVE A LIMITED LIFE

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, ... as]* buildings authority for the burgh/county/city* of ....., having considered the application by ..... dated ..... 19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the erection 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 in conformity with the plans [sections, elevations and drawings, specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto ;

(*b*) that the building shall be erected in accordance with the Buildings Standards (Scotland) Regulations 1963 ;

[(*c*) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 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 above Act the building will be demolished.

Dated this day of , 19

.....

Clerk to the [Dean of Guild Court as]* buildings 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 9.

11. Warrant to Demolish a Building

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, ... as]* buildings authority for the burgh/county/city* of ....., having considered the application by ..... dated .....19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 for the demolition of a 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.

Dated this day of , 19 .

.....

Clerk to the [Dean of Guild Court as]* buildings 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 9.

12. Warrant to Change the Use of a Building

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court, ... as]* buildings authority for the burgh/county/city* of ....., having considered the application by ..... dated .....19 , hereby grants warrant under section 6 of the Building (Scotland) Act 1959 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 .....

Dated this day of , 19 .

.....

Clerk to the [Dean of Guild Court as]* buildings 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 9.

13. Minor Warrant

BUILDING (SCOTLAND) ACT 1959

I, ...

Clerk to the [Dean of Guild Court, as] buildings authority*

Master of Works

Insert name of Clerk or Master of Works as the case may be.

for the burgh/county/city* of ....., to whom the functions of the buildings authority for the burgh/county/city* under section 6 of the above Act in relation to the construction of a building of a minor character have been delegated under section 7 of that Act, having considered the application by ..... dated ..... 19 ,

hereby grant warrant under the said section 6 for the erection/alteration/extension* of a building at .... subject to the following conditions--

(*a*) that the building shall be erected/altered/extended* in conformity with the plans [sections, elevations and drawings, specifications and other statements]* lodged with the application and in accordance with the particulars given in the application and in the Schedule thereto;

(*b*) that the building shall be erected/altered/extended* in accordance with the Buildings Standards (Scotland) Regulations 1963;

[(*c*) that the conditions specified in the direction given by the Secretary of State under section 4 of the Building (Scotland) Act 1959 are observed.]*

Dated this day of 19 .

Signature of [Clerk]
[Master of Works]* .....

* 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 Notes 1 and 2 appended to Form 9.

14. Application for Extension of Period of Use of Building intended to have a Limited Life

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority*
buildings authority for the county/city of

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

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

considering that on the.....day of.....19 , there was granted a warrant for the erection of a building at.....
.....

Insert here name and address of building.

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 for an extension of the said period by a further period of.....

Date of termination of period.

Insert here period of desired extension [see Note].

Signature of applicant or agent .....

Date .....

* Delete as appropriate

Note

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

Under section 6(5) of the Building (Scotland) Act 1959, no such extension may be granted for a period longer than five years, being the period specified in regulation 10 of the Building Standards (Scotland) Regulations 1963.

15. Application for Amendment of Warrant

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, / buildings authority for the county/city of as buildings authority*

I/We .....

.....

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

apply under section 6(7) of the Building (Scotland) Act 1959 for an amendment of the terms of the warrant granted by the [Dean of Guild Court.....as]* buildings authority on the..... day of..... 19 , for the erection/alteration/extension* of the building at..... ..... in respect of the particulars detailed in the Schedule to this application and in conformity with the relative plans and specifications submitted herewith.

Insert here address of building or site.

Signature of applicant or agent .....

Date .....

* Delete as necessary.

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:—

.....

.....

[Here state any particulars of application or particulars of construction—as set forth in the Schedule to Form 2—which are altered by the proposed amendment of warrant.]

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 2.

16. Service Copy of Application for Amendment of Warrant

BUILDING (SCOTLAND) ACT 1959

[On a copy of the application for amendment of Warrant as lodged by the applicant with the buildings authority (but excluding the Schedule to the application and certificate of service) there should be endorsed the following notice]

To ..... as affected proprietor / master of works*

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

1. You are hereby served with the foregoing application for amendment of Warrant, which is about to be lodged with the [Dean of Guild Court, ...as]* buildings authority for the burgh/county/city* of .....

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 statement in writing, lodged with or sent to..... ..... as Clerk to the ..... within 14 days from the ..... object to the granting of an application and apply to be heard by the buildings authority.

State name and address of Clerk to the buildings authority.

Insert here date of 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 on which you intend to rely;

(*c*) the address at which documents may be served upon you.

5. A copy of any objection should be served on the applicant for amendment of Warrant [and on the Master of Works]*

Signature of applicant or agent.....

Insert address of applicant or agent and date. .....

.....

.....19 .

* Delete as appropriate.

Notes

1 to 3. The Notes 1 to 3 appended to this Form should be the same as the Notes 1 to 3 appended to Form 8.

17. REFERENCE OF REFUSED APPLICATION FOR WARRANT FOR MINOR WORKS TO THE BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACT 1959

To the [Dean of Guild Court .....as]* buildings authority for the burgh/county/city* of .....

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

.....

having been notified by the

Clerk to the [Dean of Guild Court.....as]* buildings authority*
Master of Works

for the said burgh/county/city* of ..... that, in exercise of the powers delegated to him by the said buildings authority under section 7(1) of the Building (Scotland) Act 1959 he refuses to grant my application dated ..... for Warrant for Minor Works in respect of the erection/alteration/extension* of the [proposed]*

Insert here address of building or site. building at.....

.....

hereby require the said application for Warrant for Minor Works to be referred to and dealt with by the [Dean of Guild Court.....as]* buildings authority.

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

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

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority*
buildings authority for the county/city of

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 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.
.....

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 to erect staging or scaffolding so as to project over the portion of the .....

..... shown on the said plan. Insert here name of road [see Note 1] which must be adjacent to the building or site.

Signature of applicant or agent.....

Date.....

Service of Copy of Application

I/We certify that a copy of this application has been duly served upon the Master of Works. [See Note 3.]

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

Date.....

Witness to service .....

* 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 to 500 to show the site of the building and the portion of the road proposed to be occupied.

3. Section 25(1) of the Building (Scotland) Act 1959 provides that the provisions of section 349 of the Local Government (Scotland) Act 1947 shall apply to the service of any document required to be served under that Act.

4. This Application may be combined with Applications for Warrant (see Forms 2, 3, 4 and 6).

19. SERVICE COPY OF APPLICATION FOR PERMISSION TO OCCUPY PORTION OF A ROAD TEMPORARILY IN CONNECTION WITH BUILDING OPERATIONS

BUILDING (SCOTLAND) ACT 1959

[On a copy of the application for permission to occupy a portion of the road as lodged by the applicant with the buildings authority there should be endorsed the following notice]

To.....as Master of Works Insert here name and address of Master of Works.

1. You are hereby served with the foregoing application for permission to occupy portion of a road temporarily in connection with building operations, which is about to be lodged with the [Dean of Guild Court .....as]* buildings authority for the burgh/county/city* of.....

2. You may by a statement, in writing, lodged with or sent to ..... as Clerk to the [Dean of Guild Court as]* buildings authority within 14 days from the..... State name and address of clerk to the buildings authority. Insert here date of the making of application.

object to the granting of an application and apply to be heard by the buildings authority.

3. Any objection so made should state the grounds of objection on which you intend to rely.

4. A copy of any objection should be served on the applicant for permission.

Insert address of applicant or agent and date.

Signature of applicant or agent.....

.....

.....

.....19.....

* Delete as appropriate.

Notes

1. Under regulation 11(3) of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 the provisions of regulations 4 to 8 and 10 thereof (which relate to applications for Warrant) apply, subject to any necessary modifications, to any other application to the buildings authority.

2 to 4. The Notes 2 to 4 appended to this Form should be the same as the Notes 1 to 3 appended to Form 8.

20. Permission to occupy portion of a Road temporarily in connection with Building Operations

BUILDING (SCOTLAND) ACT 1959

The [Dean of Guild Court.....as]* buildings authority for the burgh/county/city* of ....., having considered the application by.....dated....., hereby grants permission 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 conditions:—

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

Insert here any other condition imposed by the buildings authority.

*2. .....

.....

Clerk to the [Dean of Guild Court as]*
buildings authority

* Delete as appropriate.

Note

Where an application for permission under section 8 of the Building (Scotland) Act 1959 has been incorporated in an application for warrant under that Act, this form of permission may be combined as appropriate with Form 9, 10 or 11.

21. Application for Certificate of Completion

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority / buildings authority for the county/city of *

I/We .....
.....
apply under section 9 of the Building (Scotland) Act 1959 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
.....
.....
in conformity with the relative plans and specifications in accordance with the Building Standards Regulations [as modified by a direction given by the Secretary of State under section 4 of that Act on.....]*, [and I/We attach hereto a certificate granted by the person who installed the electrical installation certifying that the installation complies with the conditions on which the said warrant was granted.]*

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

Insert here address of building.

Insert here date of warrant and of any amendment thereof.

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

22. Certificate of Completion

BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred upon them by section 9 of the Building (Scotland) Act 1959 the [Dean of Guild Court,....., as]* buildings authority for the burgh/county/city* of..... hereby certify that they are satisfied that the erection/alteration/extension* of the building at.....
.....
has been completed in conformity with the warrant dated..... (including the relevant plans and specifications) and in accordance with the Building Standards (Scotland) Regulations 1963 [as modified by a direction given by the Secretary of State under section 4 of that Act on.....]*

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

Insert here address of building.

Insert date of warrant.

.....
Clerk to the [Dean of Guild Court as]* buildings authority*

.....
Master of Works for the burgh/county/city*

* Delete as appropriate.

23. Certificate of compliance of Electrical Installation

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority * / buildings authority for the county/city of

Name and address of person granting certificate.

I .....
.....
in accordance with the provisions of section 9(3) of the Building (Scotland) Act 1959 hereby certify that the electrical installation in the building at

Insert here address of building.

.....
.....
has been completed by me/under my supervision* and to the best of my knowledge and belief complies with the relevant conditions of the Building Standards (Scotland) Regulations 1963 and of the warrant for the erection/alteration/extension* of the said building granted by the [Dean of Guild Court.....as]* buildings authority for the burgh/county/city* of .....on.....

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

Signature.....

* Delete as appropriate.

Notes

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

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 the last foregoing subsection 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."

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".

24. Application for Authorisation of Temporary Occupation/Use*

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority * / buildings authority for the county/city of

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

I/We .....
.....
having been granted a warrant, dated the.....
day of.....19 , under section 6 of the Building (Scotland)

Insert here address of building.

Act 1959 to erect/alter/extend* the building at.....
.....
.....
hereby request permission under section 9(6) of the Building (Scotland)

Act 1959 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.....

* Delete as appropriate.

25. AUTHORISATION OF TEMPORARY OCCUPATION/USE*

BUILDING (SCOTLAND) ACT 1959

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

The [Dean of Guild Court, ...as]* buildings authority for the burgh/county/city* of..... having received application for permission for/the extension of* the temporary occupation/use* of the building at ..... Insert here address of building.
[which occupation/use* was authorised on.....] in exercise of their powers under section 9(6) of the Building (Scotland) Act 1959, hereby grant/refuse/extend* permission for such occupation/use* for the period ending on the ..... day of.....19 .

Dated this day of 19 .

.....

Clerk to the [Dean of Guild Court as] buildings authority *

Master of Works

* Delete as appropriate.

26. REFERENCE OF REFUSED APPLICATION FOR CERTIFICATE OF COMPLETION TO THE BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, as buildings authority.* / buildings authority for the county/city of

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

having been notified by the Clerk to the [Dean of Guild Court, ... as]* buildings authority/Master of Works* on ..... that, in exercise of the powers delegated to him by the said buildings authority under section 9(7) of the Building (Scotland) Act 1959, he refuses to grant my application dated .....
for a Certificate of Completion in respect of the erection/alteration/extension* of the building at ..... Insert here address of building.
.....
.....

hereby require the said application to be referred to and dealt with by the [Dean of Guild Court as]* buildings authority.

Signature of applicant or agent.....

Date.....

* Delete as appropriate.

27. Notice under Section 10 to show cause why Operations should not be Executed

BUILDING (SCOTLAND) ACT 1959

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

To .....

.....

Insert here address of building.

Whereas it appears to me that the building at.....

being a building of a class to which the Building Standards (Scotland) Regulations 1963 apply—

[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 me by section 10(1) of the Building (Scotland) Act 1959 I hereby require you

Insert here period of not less than 21 days.

within a period of ..... days ending on the..... day of....., 19.....—

[(*a*)] to show cause to the [Dean of Guild Court....., as]* buildings authority for the burgh/county/city* of..... 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 1963]*

[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...

.....

Master of Works for the burgh/county/city* of.....

* 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 provides:—

"(1) . . . if the person upon whom the notice has been served fails to show cause as aforesaid to the satisfaction of the buildings authority they 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 seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection 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 buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly 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 ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works 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."

28. ORDER UNDER SECTION 10 REQUIRING EXECUTION OF OPERATIONS ON A BUILDING

BUILDING (SCOTLAND) ACT 1959

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

.....

.....

Whereas on the ..... day of ..... 19 ,

the Master of Works for the burgh/county/city* of .....

served notice on you under section 10(1) of the Building (Scotland) Act 1959, as .....

.....

h

Insert here address of building.

in respect of the building at .....
.....

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 1963]* ;

And Whereas you have failed to show cause as aforesaid within the said period to the satisfaction of the said [Dean of Guild Court as]* buildings authority ;

Now Therefore the said [Dean of Guild Court as]* buildings authority in exercise of the powers conferred upon them by section 10(1) of the said Act 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 said Act.

Insert here period of not less than 28 days.

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

.....
Clerk to the [Dean of Guild Court as]*
buildings 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 provides:—

"(1) Any person aggrieved by— .....

(*d*) any order made by a buildings authority under subsection (1) of section ten of this Act requiring the execution of operations,

.....

may appeal to the sheriff by giving notice of appeal within twenty-one days after the date of ..... the making of the order, as the case may be.

.....

(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 provides:—

"....."

(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in the foregoing subsection 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 buildings authority may authorise the local authority to execute the operations which the said person has failed to execute; and the local authority shall thereupon be entitled to act accordingly 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 ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works 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 ten, eleven or thirteen 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 ten, eleven or thirteen, 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 ten, eleven or thirteen, 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 ten, or the said section eleven, 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."

29. NOTICE UNDER SECTION 11 REQUIRING OWNER TO SHOW CAUSE WHY BUILDING SHOULD NOT CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

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 1963 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 ..... of ..... as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of..... consider that the said building ought, having regard to the need for securing the health, safety and convenience of the persons who will inhabit or frequent it and the safety of the public generally, 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) ;

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).

Insert here period of not less than 28 days.

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

(Signature) .....

Clerk to the local authority.

SCHEDULE

The provision(s) in respect of which the said building does not conform to the Building Standards (Scotland) Regulations 1963 is/are*.....

.....

.....

.....

* Delete as appropriate.

Note

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

Section 11 of the Building (Scotland) Act 1959 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 and convenience of the persons who will inhabit or frequent it and the safety of the public generally, 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 to the Secretary of State for a direction under section four 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 at the end of the period of twenty-eight days from the date of the giving of the direction or, as the case may be, the refusal to give a direction; and any reference in the subsequent provisions of this section to the specified provision shall, in a case where the specified provision is modified by any such direction, be construed as a reference to the specified provision as so modified.

(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."

30. ORDER UNDER SECTION 11 TO MAKE BUILDING CONFORM TO BUILDING STANDARDS (SCOTLAND) REGULATIONS 1963

BUILDING (SCOTLAND) ACT 1959

To .....
.....

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

Whereas on the ..... day of ..... 19 , the ..... of ....., as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of ....., served notice

Insert here name of local authority.

on you, under section 11(2) of the said Act, as owner(s) 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 the said building should not be made to conform to the provision(s) of the Building Standards (Scotland) Regulations 1963, specified in the Schedule hereto;

Insert here date on notice.

And Whereas you have failed to show cause as aforesaid within the said period [as extended under section 11(3) of the said Act]* 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 said Act, 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 the Order becomes operative under section 16(4) of the said Act.

Insert here period of not less than 28 days.

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

.....

Clerk to the local authority.

*Delete as appropriate.

SCHEDULE

The provision(s) referred to in the foregoing Order is/are:—

.....

.....

.....

Notes

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

1. Section 11 of the Building (Scotland) Act 1959 provides—

".....

(5) Subject to the provisions of section seventeen 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 sixteen 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 sixteen of this Act against a decision of the buildings authority refusing to grant a warrant.

....."

2. Section 16 of the said Act of 1959 provides—

(1) "Any person aggrieved by—

. . . . . .

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

.....

may 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 28.

31. Notice Requiring Operations to be Executed on a Dangerous Building

BUILDING (SCOTLAND) ACT 1959

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

..... Insert here address of building.

Whereas it appears to me that the building at.....

.....

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 me by section 13(1)(*c*) of the Building (Scotland) Act 1959, I hereby require you as owner(s) of the said building to—

(*a*) begin within a period of seven days from the service of this notice, and

(*b*) complete to my satisfaction within the period ending on the..... day of ..... 19... Insert here period of not less than 21 days from expiry of period mentioned in paragraph (*a*).

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

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

.....

Master of Works for the
burgh/county/city* of.....

*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 master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with."

32. APPLICATION BY MASTER OF WORKS FOR ORDER REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACT 1959

To the Dean of Guild Court, / buildings authority for the county/city of as buildings authority,*

1. I hereby apply for an Order under section 13(2) of the Building (Scotland) Act 1959 requiring .....

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

.....

.....

Insert here address of building.

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

.....

to execute within such period as the [Court as]* buildings authority may think fit, the operations specified in the Schedule hereto, being operations for the repair, securing or demolition of the said building.

2. The said building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally.

3. On the ..... day of ....., 19..., I served on the persons named in the Docquet of Service attached to this Application a notice under section 13(1)(*c*) of the said Act requiring the said operations to be—

(*a*) begun within a period of seven days from the said date of service, and

(*b*) completed to my satisfaction within a period ending on the ..... day of ....., 19...

4. The said owner(s) has/have not begun/completed* the said operations [to my satisfaction]* within the said period.

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

.....

Master of Works for the burgh/ county/city* of.....

*Delete as appropriate.

SCHEDULE

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

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

*Delete as appropriate.

CERTIFICATE OF SERVICE OF COPIES OF APPLICATION

I certify that on the ..... day of ..... 19... a service copy of this Application was duly served on each of the following persons—

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

Signature of Master of Works or other person effecting the service .....

Witness to Service .....

33. SERVICE COPY OF APPLICATION BY MASTER OF WORKS FOR ORDER REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACT 1959

[On a copy of an application by the Master of Works as lodged with the buildings authority there should be endorsed the following notice.]

To. ..... Insert here full name and address of person on whom service is made.
.....
.....

1. You are hereby served with the foregoing application for an order requiring operations to be executed on a building at ..... Insert here address of building.
..... which application is about to be lodged with the [Dean of Guild Court, ...
as]* buildings authority for the burgh/county/city* of .....
..... State name and address of Clerk to the Buildings Authority.

2. You may by a statement in writing, lodged with or sent to .....
..... as Clerk to the .....
within 7 days from the ..... object to the granting of the application. Insert here date of making the application.

3. Any objection so made should state—

(*a*) the interest by reason of which you claim to be entitled to be heard in the application, and

(*b*) the grounds of objection on which you intend to rely, and

(*c*) an address at which documents may be served upon you.

4. A copy of any objection should be served on the master of works and, where you are not the owner, on the owner.

.....
Master of Works
for the burgh/county/city*
of .....

.....19

*Delete as appropriate

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 every service copy of the Application)

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 master of works may apply to the buildings authority for an order requiring the owner to execute the said operations, and the buildings authority, after giving the owner, the master of works and any other person appearing to them to have an interest an opportunity to be heard, may grant or refuse the order or grant it subject to such modifications as they think just, and (if they grant it or grant it subject to modifications) shall state in it a period within which it is to be complied with."

2. Regulation 13 of the Building (Scotland) Act 1959 (Procedure) Regulations 1964 provides as follows:—

"*Orders relating to dangerous buildings*

13.—(1) The master of works shall, before lodging with the clerk to the buildings authority any application for an order under section 13(2) of the Act, serve a service copy of the application on—

(*a*) the owner of the building, and

(*b*) each of the other affected proprietors, and

(*c*) any other person appearing to the master of works to have an interest.

(2) At any time before the expiry of a period of 7 days after the date of lodging of the application any person on whom a service copy of the application has been served may by a statement in writing, lodged with the clerk to the buildings authority, object to the granting of the application and apply to be heard by the buildings authority (which statement is hereafter in this regulation referred to as an "objection").

(3) Any objection shall state—

(*a*) the interest by reason of which the person objecting claims to be entitled to be heard in the application, and

(*b*) the grounds of objection on which he intends to rely, and

(*c*) an address at which documents may be served upon him,

and a copy of the objection shall be served by the person making the objection on the master of works and, where the objector is not the owner, on the owner:

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

(4) (*a*) On receipt of an objection lodged under paragraph (2) of this regulation, or

(*b*) if no such objection has been lodged, on the expiry of the period of 7 days mentioned in the said paragraph (2),

the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after such receipt or expiry as

the case may be, and the clerk to the buildings authority shall give notice of the date, time and place of the meeting of the authority to the owner, the master of works and any other person appearing to the authority to have an interest.

(5) Where the owner or any other person fails to attend or be represented at a hearing of which he has had notice under paragraph (4) of this regulation, the buildings authority may determine the application in his absence, so, however, that they shall take into account any objection lodged by him under paragraph (2) of this regulation or otherwise."

34. Order Under Section 13 Requiring Owner to Execute Operations on a Dangerous Building

BUILDING (SCOTLAND) ACT 1959

Whereas the [Dean of Guild Court....., as]* buildings authority for the burgh/county/city* of ..... have considered an application by the Master of Works for the said burgh/county/city* dated....., 19....., for an order under section 13(2) of the Building (Scotland) Act 1959 requiring..... Insert here full name(s) and address(es) of the owner(s).
.....
.....

the owner(s) of the building at..... Insert here address of building.
.....

to execute the operations specified in the application being operations necessary in the opinion of the Master of Works to remove danger;

And Whereas the said [Dean of Guild Court....., as]* buildings authority, having given the said owner(s) and the Master of Works and any other person appearing to them to have an interest an opportunity to be heard, consider that the said Order should be granted [subject to the following modifications:.....
.....]*

Now Therefore the said [Dean of Guild Court....., as]* buildings 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. Insert here period within which Order is to be complied with.

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

.....

Clerk to the [Dean of Guild Court as]* buildings 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 provides—

"(1) Any person aggrieved by—

.....

(*f*) any order of a buildings authority under subsection (2) of section thirteen of this Act requiring the execution of operations

.....

may 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 said Act of 1959 provides—

"

.....

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

(4) If an order granted by a buildings authority under subsection (2) of this section is not duly complied with the buildings authority may authorise the local authority to execute the operations which the owner has failed to execute or to demolish the building; and the local authority shall thereupon be entitled to act accordingly.

(5) Any expenses incurred by a local authority or a master of works in executing their or his functions under this section in respect of any building, shall, subject to the provisions of section seventeen of this Act, be recoverable by the local authority from the owner of the building as a debt; and the provisions of the Sixth Schedule to this Act shall have effect for the purpose of securing the recovery by a local authority of any expenses recoverable by them under this section.

....."

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

"Where under section ten, eleven or thirteen of this Act expenses have been incurred in relation to a building by a local authority or a master of works 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 ten, eleven or thirteen 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 ten, eleven or thirteen, 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 ten, eleven or thirteen, 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.

....."

35. Authority to Enter Premises

BUILDING (SCOTLAND) ACT 1959

(SECTION 18(1))

In exercise of the powers conferred on the [master of works] [(Dean of Guild Court ....., as)* buildings authority]* for the burgh/county/city* of ..... by section 18(1) of the Building (Scotland) Act 1959 .....

.....

.....

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, or warrants under section 6, of the said 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 master of works has reasonable cause to believe that a change of use is proposed or has taken place;

(*d*) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally, or

(*e*) executing any operations authorised by section 13(1)(*b*) of the said Act.

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

.....

Clerk to the [Dean of Guild Court, , as] buildings authority*

Master of Works

* Delete as appropriate.

Notes

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

1. Section 18 of the Building (Scotland) Act 1959 provides:—

"(1) Subject to the provisions of subsection (3) of this section the master of works, or any person authorised in writing by him or by the buildings 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 four, or warrants under section six, 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 master of works has reasonable cause to believe that a change of use is proposed or has taken place;

(*d*) inspecting any building which the master of works has reasonable cause to believe is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally; or

(*e*) executing any operations authorised by paragraph (*b*) of subsection (1) of section thirteen of this Act;

and may execute any of the said purposes.

(2) The foregoing subsection shall, subject as aforesaid, apply, as it applies to persons authorised as mentioned in that subsection for the purposes so mentioned, to any person authorised in writing by a local authority for the purpose of—

(*a*) inspecting any building which the local authority consider should be examined in order to determine whether to exercise their powers under section eleven of this Act; or

(*b*) executing any operations authorised under section ten, section eleven or section thirteen of this Act to be executed by the local authority.

(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*) thereof, or by virtue of subsection (2) of this section, 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) or subsection (2) 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 subsection (7) of section eighteen or subsection (3) of section twenty-five 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."

36. Authority to Enter Premises

BUILDING (SCOTLAND) ACT 1959
(SECTION 18(2))

In exercise of the powers conferred on the local authority for the burgh/county/city* of..... by section 18(2) of the Building (Scotland) Act 1959.....
.....
.....

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 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, or

(*b*) executing any operations authorised under section 10, section 11 or section 13 of the said Act to be executed by the local authority.

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

.....
Clerk to the local authority

* 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 35.

37. Notice of Intention to Enter Premises

BUILDING (SCOTLAND) ACT 1959

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

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

Insert here address of premises.

I ....., being a person duly authorised under and in terms of section 18 of the Building (Scotland) Act 1959 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, that I intend to enter the premises at.....
on or after the..... day of.....
.....19....., for the purpose of.....

Insert here address of premises.

Insert here date.

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

..... which purpose is authorised by [section 18(1)(*c*)]* [section 18(2)]* of the Building (Scotland) Act 1959.

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 35.

38. Charging Order

BUILDING (SCOTLAND) ACT 1959

Insert here name of local authority.

The.....of....., the local authority under the Building (Scotland) Act 1959, in exercise of the powers conferred upon them by Schedule 6 to the Building (Scotland) Act 1959, do hereby provide and declare that the subjects described in the Schedule hereto are hereby charged and burdened with payment to the

Insert here name of local authority.

said ..... of an annuity of

Insert here in words the amount of the annuity.

.....Sterling, 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.....

.....

Clerk to the local authority.

Schedule

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

*Description of Subjects	Name and Designation of Owner	County

39. Notice to Remove from Dangerous Building or Building adjacent thereto

BUILDING (SCOTLAND) ACT 1959

To .....
.....
.....

Insert here name and address of occupant required to remove.

Whereas it appears to me, ...
master of works for the burgh/county/city* of .....
..... 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 me by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby require you, the occupant of [the building at .....
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 address(es) of building(s).

Insert here period within which occupant is to remove.

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

.....
Master of Works.

* Delete as appropriate.

Notes

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

"(1) If it appears to the master of works that any building is dangerous to persons inhabiting or frequenting it or adjacent buildings or places or to the public generally he shall forthwith—

(*a*) require any occupants of the building in question, and of any adjacent building, being persons whom he considers to be endangered by the state of the building in question, to remove immediately from those buildings .....

. . . . . .

(6) The provisions of the Seventh Schedule to this Act shall have effect for the purposes 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, or 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 thirteen of this Act, the master of works 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 master of works 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 master of works bearing that the building is a source of immediate danger, or that an order has been made under section thirteen 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.

....."

40. Certificate that Building is a Source of Immediate Danger

BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred on me by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby certify that—

Insert here address of building.

(*a*) the building at ..... is a source of immediate danger;

(*b*) notice conform to paragraph 1 of Schedule 7 to the said Act 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(es) of adjacent building(s).

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

.....

Master of Works for the burgh/county/ city* of .....

* Delete as appropriate.

41. Certificate that Order has been made under Section 13 requiring Building to be Demolished

BUILDING (SCOTLAND) ACT 1959

In exercise of the powers conferred on me by section 13 of, and Schedule 7 to, the Building (Scotland) Act 1959, I hereby certify that—

(*a*) an Order was made by the [Dean of Guild Court, ...

.....as]* buildings authority for the burgh/county/ city* of ....., on the ..... day of ..... 19....., under section 13(2) of the Building (Scotland) Act 1959 requiring the building at .....

Insert here address of building.

.....

to be demolished;

(*b*) notice conform to paragraph 1 of Schedule 7 to the said Act has been served on .....
.....
.....
being all the known occupants of the said building.

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

.....
Master of Works for the burgh/county/
city* of .....

* Delete as appropriate.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations prescribe the forms in which Applications, Warrants, Notices, Orders and other documents should be made under the provisions of the Building (Scotland) Act 1959.