STATUTORY INSTRUMENTS

1971 No. 747 (S.105)

BUILDING AND BUILDINGS

The Building (Forms) (Scotland) Regulations 1971

Made - - - -	*29th April* 1971
Laid before Parliament	*17th May* 1971
Coming into Operation	*15th June* 1971

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 1971, and shall come into operation on 15th June 1971.

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

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

2.—(1) The Building (Forms) (Scotland) Regulations 1964(c) are hereby revoked.

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

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

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

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

(a) 1959 c. 24. (b) 1889 c. 63.
(c) S.I. 1964/711 (1964 II, p. 1386).

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

Gordon Campbell,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
29th April 1971.

Regulation 3

SCHEDULE

List of Forms

Form	*Purpose*	*Reference to sections of the Building (Scotland) Act 1959 as read with the Building (Scotland) Act 1970.*
1.	Relaxation of the Building Standards Regulations —Application to Secretary of State for a direction in respect of a particular building	4
2.	Relaxation of the Building Standards Regulations —Application to buildings authority for a direction	4
3.	Relaxation of the Building Standards Regulations —Direction by buildings authority	4
4.	Relaxation of the Building Standards Regulations —Notice of appeal to Secretary of State	4A
5.	Application for warrant/warrant for minor works to erect (including a building intended to have a limited life), alter, extend, change the use or demolish a building	6 and 7
6.	Service copy of application for direction/warrant/amendment of warrant	4 and 6
7.	Warrant to erect (including a building intended to have a limited life), alter or extend a building ...	6
8.	Warrant to demolish a building	6
9.	Warrant to change the use of a building	6
10.	Warrant for minor works	6 and 7
11.	Application for extension of period of use of building intended to have a limited life	6

Form	*Purpose*	*Reference to sections of the Building (Scotland) Act 1959 as read with the Building (Scotland) Act 1970.*
12.	Application for amendment of warrant	6
13.	Reference of refused application for warrant for minor works to buildings authority	7
14.	Application for permission to occupy portion of a road temporarily in connection with building operations	8
15.	Service copy of application for permission to occupy portion of a road temporarily in connection with building operations	8 8
16.	Permission to occupy portion of a road temporarily in connection with building operations	8
17.	Application for certificate of completion	9
18.	Certificate of completion	9
19.	Certificate of compliance of electrical installation	9
20.	Application for authorisation of temporary occupation/use	9
21.	Authorisation of temporary occupation/use ...	9
22.	Reference of refused application for certificate of completion to the buildings authority	9
23.	Notice under section 10 to show cause why operations should not be executed	10
24.	Order under section 10 requiring execution of operations on a building	10
25.	Notice under section 11 requiring owner to show cause why building should not conform to Building Standards (Scotland) (Consolidation) Regulations 1970	11
26.	Order under section 11 to make building conform to Building Standards (Scotland) (Consolidation) Regulations 1970	11
27.	Notice requiring operations to be executed on a dangerous building	13
28.	Application by master of works for order requiring operations to be executed on a dangerous building	13
29.	Service copy of application by master of works for order requiring operations to be executed on a dangerous building	13

Form	*Purpose*	*Reference to sections of the Building (Scotland) Act 1959 as read with the Building (Scotland) Act 1970.*
30.	Order under section 13 requiring owner to execute operations on a dangerous building	13
31.	Authority to enter premises (section 18(1)—Building ing (Scotland) Act 1959)	18
32.	Authority to enter premises (section 18(2)—Building (Scotland) Act 1959)...	18
33.	Notice of intention to enter premises	18
34.	Charging order	*Schedule* 6
35.	Notice to remove from dangerous building or building adjacent thereto	*Schedule* 7
36.	Certificate that building is a source of immediate danger...	,,
37.	Certificate that order has been made under section 13 requiring building to be demolished ...	,,

FORM 1

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The power to relax provisions of the building standards regulations is shared in terms of the Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971 *between the Secretary of State and the buildings authority. If you are in doubt as to whom your application should be addressed you should seek advice from the buildings authority.* [See Note 1].

To the Secretary of State for Scotland[1]

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

.....

.....

.....

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

.....

.....

I have forwarded a copy of this application and the accompanying plans to the [Dean of Guild Court of.....as]*

buildings authority for the burgh/county/city* of.....

Signature of applicant or agent.....

Date.....

Particulars of agent (if appropriate)

Name.....

Address.....

.....

.....

Telephone No.....

Profession.....

[1]Address to which the completed form is to be sent:—

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

*Delete as appropriate

SCHEDULE

PART I

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

PART II

1. Is the building new or existing? .....

2. What is the use or proposed use of the building? .....

3. In the case of existing buildings please state present use. .....

4. Is the work being carried out at the request of the fire authority?—Yes or No. .....

[See Note 3].

5. Has a notice under section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 been served on you?—Yes or No. .....

   If so, give date of notice. .....

[See Note 3].

6. Has a Notice under section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 been served on you?—Yes or No. .....

   If so, give date of notice. .....

   State whether you have informed the clerk to the local authority of this application.

   Yes or No. .....

7. Has an application for warrant been made? Yes or No. .....

[See Note 4].

8. Is the building listed under the Town and Country Planning (Scotland) Acts as being of special architectural or historic interest?—Yes or No. .....

   If so, please state category. .....

PART III

Particulars of Affected Proprietors

Name	Address	[See Note 2].
.....	.....	
.....	.....	
.....	.....	
.....	.....	
.....	.....	

Notes for Guidance of Applicant

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

2. Regulation 6 of the Building (Procedure) (Scotland) Regulations 1971 provides:—

"....."

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

(*a*) an owner of the building or the site thereof,

(*b*) an owner of the conterminous land, but only if any part of such land is within 90 metres of any part of the building or of the site thereof, and

(*c*) an owner of land part of which is within 4 metres of any part of the building or site thereof."

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

4. The local planning authority will be able to give advice as to whether a building is included in a list compiled or approved by the Secretary of State under section 28 of the Town and Country Planning (Scotland) Act 1947 as being of special architectural or historic interest or whether it is the subject of a building preservation order under section 27 of that Act or a notice under section 48 of the Town and Country Planning (Scotland) Act 1969 and if so whether a specific listed building consent is required in terms of section 40 of the 1969 Act.

FORM 2

RELAXATION OF THE BUILDING STANDARDS REGULATIONS—APPLICATION TO BUILDINGS AUTHORITY FOR A DIRECTION

BUILDING (SCOTLAND) ACTS 1959 AND 1970

[See Note 1].

The power to relax provisions of the building standards regulations is shared in terms of the Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971 between the Secretary of State and the buildings authority. If you are in doubt as to whom your application should be addressed you should seek advice from the buildings authority.

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

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

I/We .....

.....

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

.....

Signature of applicant or agent.....

Date.....

Particulars of agent (if appropriate)

Name.....

Address .....

.....

.....

Telephone No.....

Profession .....

Certificate of Service of Copies of Application

[See Notes 2 and 5].

I/We certify that on the day of , 19 , a service copy of this application was duly served on the [affected proprietors listed in Part II of the Schedule hereto who have not dispensed with formal service and on the]* master of works; [and on the firemaster of the fire authority since the application relates to Part(s) D/E/F* of the said building standards regulations]* who has/have* been notified that plans and other relevant particulars may be examined at .....

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

.....

Signature of applicant or agent or

other person effecting the service.....

[See Note 6].

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

*Delete as appropriate.

SCHEDULE

PART I

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

PART II

[See Notes 2 and 5].

1. *Particulars of Affected Proprietors*

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

2. *Acceptance of Service*

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

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

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

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

PART III

1. Is the building new or existing? .....

2. What is the use or proposed use of the building? .....

3. In the case of existing buildings please state present use. .....

4. Is the work being carried out at the request of the fire authority? Yes or No. .....

[See Note 3]. 5. Has a notice under section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 been served on you? Yes or No. .....

If so, give date of notice. .....

[See Note 3]. 6. Has a notice under section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 been served on you? Yes or No. .....

If so, give date of notice. .....

State whether you have informed the clerk to the local authority of this application. Yes or No. .....

7. Has an application for warrant been made? Yes or No. .....

[See Note 4]. 8. Is the building listed under the Town and Country Planning (Scotland) Acts as being of special architectural or historic interest? Yes or No. .....

If so, please state category. .....

Notes for Guidance of Applicant

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

5. Regulation 13(1)(*b*) of the Building (Procedure) (Scotland) Regulations 1971 does not require service on affected proprietors where the proposed operations are within a building which is completely detached and which is owned and occupied by the same person. Paragraph 1 of Part II of the Schedule must nevertheless be completed in all cases.

6. 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, which latter section requires that the service be witnessed.

7. Part V of the Building (Procedure) (Scotland) Regulations 1971 deals with appeals under section 4A of the Building (Scotland) Act 1959 as inserted by section 2(1) of the Building (Scotland) Act 1970 to the Secretary of State against the refusal of the buildings authority to grant an application for a direction or against any of the conditions specified in the direction given by the buildings authority. The Part provides—

"

.....

Giving notice of appeal

31. Any applicant who desires to appeal—

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

(*b*) against any conditions subject to which the application was granted

shall give notice of appeal in the prescribed form to the Secretary of State stating the grounds on which the appeal is made within 28 days from the date on which the buildings authority notify the applicant of their decision and shall send a copy of the notice of appeal to the buildings authority.

Failure by buildings authority to give a decision

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

Forwarding of documents to Secretary of State

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

(*a*) the application made to the buildings authority for a direction,

(*b*) all relevant plans, drawings and particulars submitted to them,

(*c*) all representations made to the granting of the application and with respect to the draft direction,

(*d*) the notice of the decision or determination if any by the buildings authority,

(*e*) the written statement by the buildings authority setting out their reasons for their decision or determination, including their reasons for attaching any conditions to the direction,

(*f*) all other relevant correspondence,

(*g*) a statement containing the observations of the buildings authority on the application and appeal including the names and addresses of those consulted by the buildings authority.

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

Consideration of appeal by Secretary of State.

"*Process of consultation*

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

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

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

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

Circumstances in which hearing may be held

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

Intimating decision and reasons

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

FORM 3

RELAXATION OF THE BUILDING STANDARDS REGULATIONS—DIRECTION BY BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The [Dean of Guild Court of.....as]* buildings authority for the burgh/county/city* of....., in exercise of the powers conferred on them by the Building Standards (Relaxation by Buildings Authorities) (Scotland) Regulations 1971 made under section 4(2) of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970, having considered the application by..... .....dated.....19 , for a direction dispensing with or relaxing provisions of the Building Standards (Scotland) (Consolidation) Regulations 1970, and having complied with the provisions of Part IV of the Building (Procedure) (Scotland) Regulations 1971, hereby direct that, in relation to the matters specified in Part I of the Schedule hereto, the provisions of the Building Standards (Scotland) (Consolidation) Regulations 1970 specified in column (*b*) of Part II of the Schedule in relation to the regulation(s) specified in column (*a*) thereof [subject to the conditions set out in column (*c*) thereof]* shall not apply for the reasons given in Part III of the Schedule.

[See note].

Dated this day of 19 .

.....

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

*Delete as appropriate.

SCHEDULE

PART I

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

PART II

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

PART III

Reasons for buildings authority's decision

Note

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

The Note appended to this Form should be the same as Note 7 appended to Form 2.

FORM 4

RELAXATION OF BUILDING STANDARDS REGULATIONS—NOTICE OF APPEAL TO SECRETARY OF STATE [See Note].

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the Secretary of State for Scotland[1]

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

.....

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

[against the refusal to grant the application]*

[against the conditions subject to which the application was granted]*

[against the failure to notify me/us* of their decision]*

by the [Dean of Guild Court of.....as]*

buildings authority for the burgh/county/city* of.....

relating to my application dated.....for a direction in respect of the [proposed]* building at.....

.....

The grounds on which the appeal is made are set out in the Schedule hereto.

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

*Delete as appropriate.

Signature of applicant or agent.....

Date.....

Particulars of agent (if appropriate):—

Name.....

Address.....

Telephone No.....

Profession.....

SCHEDULE

Date of application for direction

Date of direction (if received)

Grounds of appeal

[1]Address to which the completed form is to be sent:—

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

Note

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

The Note appended to this Form should be the same as Note 7 appended to Form 2.

FORM 5

[See Notes 1, 2 and 3].

APPLICATION FOR WARRANT/WARRANT FOR MINOR WORKS TO ERECT (INCLUDING A BUILDING INTENDED TO HAVE A LIMITED LIFE), ALTER, EXTEND, CHANGE THE USE OF OR DEMOLISH A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

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

I/We .....

.....

.....

.....

State here the nature of the proposed operations e.g. erection, alteration, extension, change of use [See Note 4] or demolition of house shop or other building.

apply under section(s) 6 [and 7]* of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 for a warrant for the.....

.....

Insert here address of site or building.

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

.....

.....

State interest in building e.g. owner tenant.

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]* [such building being intended to have a life of.....years]*.

[See Note 5].

[See Note 6].

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

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

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

Signature of applicant or agent.....

Date.....

*Delete as appropriate.

SCHEDULE

Particulars of Application

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

(In Block Capitals)

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

Name.....
Address.....
Telephone No.....
Profession.....

2. Has any direction been given by the Secretary of State or the buildings authority under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970?

   If so give details including the date and reference number of the direction. .....

3. What is the estimated cost of the operations? Please note that the buildings authority may wish to verify this figure. [See Note 2].
   .....

4. (*a*) What is
   (i) the proposed use, and
   (ii) (if applicable) the existing use of the [building] [part of the building covered by the application]*

   (i) .....
   .....
   (ii) .....
   .....

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

   [(*b*) State the provisions of the Building Standards (Scotland) (Consolidation) Regulations 1970 which will become applicable or will apply more onerously to the building or part thereof by reason of the change of use.]*
   .....
   .....
   .....
   .....
   .....

5. If the application is in respect of an existing building state whether it is listed under the Town and Country Planning (Scotland) Acts as being of special architectural or historic interest. If so please state category. [See Note 9].
   .....
   .....

Demolitions Only

6. 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 those regulations]*, so far as such particulars are not shown in the plan produced with the application.
   .....
   .....
   .....
   .....
   .....
   .....
   .....
   .....
   .....

DOCQUETS OF SERVICE

1. *Certificate of Service of Copies of Application*

[See Note 7]. 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 he/they* has/have* been notified that plans and other relevant particulars may be examined at

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

.....

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

[See Note 8]. Witness to service..... Date.....

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

2. *Acceptance of Service*

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

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

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

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

*Delete as appropriate.

Notes for Guidance of Applicant

1. Section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 provides:—

"

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

(*a*) in the case of a warrant for the construction or demolition of a build-

ing, 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

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

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

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

and nothing in this section shall be taken to prejudice the operation of section seventeen of the Restriction of Ribbon Development Act, 1935, section 33 of the Civil Defence Act 1939, section 10 of the Clean Air Act 1956, or sections 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. Where, in the case of the erection or extension of a building, the cubic capacity of the construction does not exceed 120 cubic metres and the estimated cost of operations does not, in any case, exceed £2,500 the works may be considered as minor for the purposes of regulation 5 of the Building (Procedure) (Scotland) Regulations 1971 and as such, in terms of section 7 of the Building (Scotland) Act 1959, the responsibility for dealing with the application must be delegated by the buildings authority either to their clerk or 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 paragraph 2b of the docquet attached to the form of application. If it is not possible to obtain the signature of any affected proprietor (or where

appropriate, the master of works) formal service on those persons must be carried out as provided for in regulation 13 of the Building (Procedure) (Scotland) Regulations 1971.

3. If any person is aggrieved by a refusal of the clerk to 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.

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

"....

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

....."

5. Regulation A11 of the Building Standards (Scotland) (Consolidation) Regulations 1970 provides that in relation to a building to be constructed in accordance with the special provisions of those regulations relating to buildings intended to have a limited life, the period of intended life of the building should not exceed 5 years.

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

"....

'road' includes street and any pavement, footpath, drain, ditch or verge at the side of a road or street;

....."

7. Regulation 6 of the Building (Procedure) (Scotland) Regulations 1971 provides:—

"....

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

(*a*) an owner of the building or of the site thereof,

(*b*) an owner of the conterminous land, but only if any part of such land is within 90 metres of any part of the building or of the site thereof, and

(*c*) an owner of land part of which is within 4 metres of any part of the building or site thereof."

Service on affected proprietors is not required where the proposed operations are within a building which is completely detached and which is owned and occupied by the same person. Service on the master of works is still required in such cases.

8. 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, which latter section requires that the service be witnessed.

9. The local planning authority will be able to advise whether a building is included in a list compiled or approved by the Secretary of State under section 28 of the Town and Country Planning (Scotland) Act 1947 as being of special architectural or historic interest or whether it is the subject of a building preservation order under section 27 of that Act or a notice under section 48 of the Town and Country Planning (Scotland) Act 1969 and if so whether a specific listed building consent is required in terms of section 40 of the 1969 Act.

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

FORM 6

SERVICE COPY OF APPLICATION FOR DIRECTION/WARRANT/AMENDMENT OF WARRANT

BUILDING (SCOTLAND) ACTS 1959 AND 1970

[The following notice should be attached to a copy of the application for direction/warrant/amendment of warrant* as lodged by the applicant with the buildings authority (but excluding the Schedule to the application and docquets of service)]

To .....as [affected proprietor / master of works / firemaster] *

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

1. You are hereby served with the foregoing application for direction/warrant/amendment of warrant*, which is about to be lodged with the [Dean of Guild Court of..... 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 a statement in writing lodged with..... as clerk to the.....within 14 days after .....object/make representations* to the granting of the application [and apply to be heard by the buildings authority]*

Insert here the date of the making of application.

4. Any objection or representation 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 or representation, and

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

5. Persons lodging objections or making representations are required to serve a copy on the applicant for direction/warrant/amendment of warrant* [and on the master of works]*

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

*Delete as appropriate.

Notes

(*to be incorporated in each service copy of Application for Warrant or Amendment of Warrant*)

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

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

Generally, objections should be confined to possible contraventions of the building standards regulations although if the buildings authority is a dean of guild court it may consider other matters e.g. infringement of private right. In addition, buildings authorities may consider objections in other circumstances, e.g. inadequacy of water supply to the building or interference with traffic along a public road by vehicles calling at the building. *Matters concerning amenity or general dissatisfaction with a proposal are however outwith the scope of the buildings authority's jurisdiction.*

2. Part II of the Building (Procedure) (Scotland) Regulations 1971 which relates to the procedure for making application for warrant provides:—

"....

Service of application

13.—(1) An applicant for a warrant shall before lodging the application with the 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—

(*a*) on any person who has signed the form of application as dispensing with formal service thereof, or

(*b*) on any affected proprietor in the case of proposed operations which are within a building which is completely detached and which is owned and occupied by the same person.

(2) The 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.

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

Opposed applications

14. .....

(3) Subject to paragraph (1) of regulation 15, 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 buildings 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 the applicant or any person who has lodged an objection neither attends nor is represented the buildings authority may continue the hearing or determine the application so however that they shall take into account any objection and any statement by the applicant in relation to any objection:

Provided that in no case shall the buildings authority dismiss the application on the grounds of an objection the details of which have not been made known to the applicant.

.....

Unopposed applications

15.—(1) If during the period mentioned in paragraph (1) of regulation 14 no objection is lodged by any of the persons mentioned therein, or if before the determination of the application every objection so lodged has been withdrawn, the buildings authority may grant the application at any meeting of the buildings authority after the expiry of the said period or after the date of withdrawal as the case may be, notwithstanding that the applicant is not present or represented before them:

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

(2) If, in the case of an application for a warrant for minor works—

(*a*) the affected proprietors, and

(*b*) where the delegation under section 7 of the Act has been made to the clerk to the buildings authority, the master of works

have signed the form of application as having no objection to the granting of the application, the clerk to the buildings authority or the master of works as the case may be may grant the application after the expiry of the period mentioned in paragraph (1) of regulation 14.

(to be incorporated in each service copy of Application to buildings authority for Direction)

Part IV of the Building (Procedure) (Scotland) Regulations 1971 which relates to the procedure for making application for a direction provides:—

"....

Service of application

25.—(1) An applicant for a direction shall before lodging the application with the clerk to the buildings authority serve a service copy of the application on every other affected proprietor and on the master of works and also, in applications in relation to Parts D, E or F of the building standards regulations, on the firemaster of the fire authority:

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

(*a*) on any person who has signed the form of application as dispensing with formal service thereof, or

(*b*) on any affected proprietor in the case of proposed operations which are within a building which is completely detached and which is owned and occupied by the same person.

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

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

Making representations against application

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

(*a*) any affected proprietor not being an affected proprietor who has signed the form of application as not wishing to make any representations to the carrying out of the proposed operations,

(*b*) the master of works,

(*c*) the firemaster of the fire authority on whom a service copy of the application has been served in terms of paragraph (1) of regulation 25, or

(*d*) any other person claiming to have an interest in the subject matter of the application

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

(2) Any such representation shall state—

(*a*) the interest by reason of which the person making representations claims to be entitled to make representations,

(*b*) the grounds on which he makes his representations, and

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

and a copy of the representations shall be served by the person making the representations on the applicant and if the person making representations is not the master of works on the master of works:

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

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

Preparation of draft direction

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

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

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

Procedure where no representations are made

28. If during the period mentioned in paragraph (2) of regulation 27 no representations are made with respect to the draft direction by any of the persons mentioned therein and no representations have been made to the granting of the application in terms of regulation 26 or if before the determination of the application every representation so made with respect to the draft direction and to the granting of the application has been withdrawn, the buildings authority may determine the application at any meeting of the buildings authority after the expiry of the said period or after the date of withdrawal as the case may be notwithstanding that the applicant is not present or represented before them:

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

Procedure where representations are made

29.—(1) Where—

(*a*) representations have been made to the granting of the application in terms of regulation 26, or

(*b*) representations have been made with respect to the draft direction in terms of regulation 27, or

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

the application shall be put out for hearing at a meeting of the buildings authority occurring not less than 7 days after the receipt of such representations with respect to the draft direction and the clerk to the buildings authority shall serve notice of the date time and place of the meeting of the buildings authority on the person making the representations on the applicant and if the master of works is not the person making representations on the master of works.

(2) Where at the hearing of an application the applicant or any person who has made representations neither attends nor is represented the buildings autho-

rity may continue the hearing or determine the application provided that where the buildings authority decide to determine the application they shall take into account any representations made by any person and any statement by the applicant in relation to the application and any such representations:

Provided that the buildings authority shall not refuse the application on the ground of any representations which have not been made known to the applicant."

FORM 7.

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The [Dean of Guild Court of.....as]* buildings authority for the burgh/county/city* of....., having considered the application by..... dated.....19 , hereby grant warrant under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 for the erection/alteration/extension* of a building at .....[being a building intended to have a limited life of.....years]* subject to the following conditions—

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

(*b*) that the building shall be erected/altered/extended* in accordance with the Building Standards (Scotland) (Consolidation) Regulations 1970;

[(*c*) that the conditions specified in the direction given by the Secretary of State or the buildings authority as aforesaid under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 are observed]*

[(*d*) on or before the expiration of the period of years, from the date on which a certificate of completion is granted under section 9 of the Building (Scotland) Act 1959 the building will be demolished.]*

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

Dated this day of ,19 .

.....

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. Regulation 7 of the Building (Procedure) (Scotland) Regulations 1971 provides:—

"*Duration of warrant*

7. 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."

2. Regulation 61 of the Building (Procedure) (Scotland) Regulations 1971 provides:—

"*Notices regarding operations*

61. Any person carrying out operations in pursuance of a warrant granted under the Act shall give notice to the master of works—

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

(*b*) when any drain has been laid and is ready for inspection or test under regulation M4(6)(*a*) of the building standards regulations,

(*c*) when a drain track has been in-filled and the drain is ready for a second inspection or test in accordance with regulation M4(6)(*b*) of the building standards regulations, and

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

Provided that—

(i) notices under paragraphs (*a*) and (*d*) of this regulation shall be in in writing, and

(ii) nothing in this regulation shall require the giving of notice of the date on which operations are completed where application to the buildings authority for a certificate of completion has been made in the prescribed form."

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

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

FORM 8

WARRANT TO DEMOLISH A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The [Dean of Guild Court of.....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 as amended by the Building (Scotland) Act 1970 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.

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

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 7.

FORM 9

WARRANT TO CHANGE THE USE OF A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The [Dean of Guild Court of.....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 as amended by the Building (Scotland) Act 1970 for the change of use of [the building at.....,] [part of the building at.....,]* as specified in the plans lodged with the application from..... to.....

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

Dated this day of , 19 .

.....
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 7.

FORM 10

WARRANT FOR MINOR WORKS

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

I, ...

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

for the burgh/county/city* of....., to whom the functions of the buildings authority for the burgh/county/city* under section 6 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 in relation to the construction of a building of a minor character have been delegated under section 7 of the said Building (Scotland) Act 1959 as amended having considered the application by.....dated.....19 , hereby grants warrant under the said section 6 as amended for the erection/alteration/extension* of a building at.....subject to the following conditions—

(*a*) that the building shall be erected/altered/extended* in accordance with the particulars given in the application and in the Schedule thereto;

[and in conformity with the plans, sections, elevations and drawings, specifications and other statements lodged with the application;]*

(*b*) that the building shall be erected/altered/extended* in accordance with the Building Standards (Scotland) (Consolidation) Regulations 1970;

[(*c*) that the conditions specified in the direction given by the Secretary of State or the buildings authority under section 4 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970 are observed.]*

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

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 and the Footnote appended to this Form should be the same as Notes 1 and 2 and the Footnote appended to Form 7.

FORM 11

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

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

.....

considering that on the.....day of.....19 , there was granted a warrant for the erection of a building at..... Insert here 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 A11 of the Building Standards (Scotland) (Consolidation) Regulations 1970.

FORM 12

APPLICATION FOR AMENDMENT OF WARRANT

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the Dean of Guild Court of / buildings authority for the burgh/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 of.....

.....as]* buildings authority on the.....day of..... Insert here address of building or site.

19 , for the erection/alteration/extension* of the building at.....

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

Signature of applicant or agent.....

Date.....

*Delete as appropriate.

SCHEDULE

PART I

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

.....

.....

PART II

[Here state any particulars of application which are altered by the proposed amendment of warrant.]

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

.....

.....

PART III

Does the amendment affect the cost of the operations?

If so please state revised estimated cost.....

DOCQUETS OF SERVICE

The Docquets of Service attached to this Form should be the same as the Docquets of Service attached to Form 5.

FORM 13

REFERENCE OF REFUSED APPLICATION FOR WARRANT FOR MINOR WORKS TO BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the $\frac{\text{Dean of Guild Court of}}{\text{buildings authority for the burgh/county/city* of}}$ $\frac{\text{as buildings authority}}{\text{Master of Works}}$*

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 of.....as]* buildings authority

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]* building at

Insert here address of building or site.

.....

.....

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

Signature of applicant or agent.....

Date.....

*Delete as appropriate.

FORM 14

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

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

.....

apply for permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 to occupy temporarily, for the purpose of depositing materials or otherwise in connection with operations for the construction/repair/maintenance/demolition* of the [proposed]* building at (Insert here address of building or site.)

.....

[in respect of which an application for warrant was lodged on.....]*

the portion of.....shown in the plan produced herewith: (Insert here name of road [see Note 1] which must be adjacent to the building or site. [See Note 2].)

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

.....shown on the said plan.

Signature of applicant or agent.....

Profession.....

Date.....

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 the 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, which latter section requires that the service be witnessed.

4. This Application may be combined with Application for Warrant (see Form 5).

FORM 15

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

Insert here name and address of Master of Works.

To.....as Master of Works

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

State name and address of clerk to the buildings authority. Insert here date of the making of application.

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..... 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.

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 50 of the Building (Procedure) (Scotland) Regulations 1971 the provisions of regulations 12 to 15 and 57 thereof (which relate to applications for warrant) apply, subject to any necessary modifications, to any other application to the buildings authority.

2. Note 2 appended to this Form should be the same as Note 1 appended to Form 6.

FORM 16

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

The [Dean of Guild Court of.....as]* buildings authority for the burgh/county/city* of....., having considered the application by.....dated....., hereby grants permission under section 8 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 to occupy temporarily for the purpose of depositing materials or otherwise in connection with operations for the construction/repair/maintenance/ demolition* of the [proposed]* building at.....that portion of the road adjoining the said building shown in the plan submitted with the said application [and for authority to erect staging or scaffolding so as to project over the portion of the road also shown on the said plan]*, but subject always to the following condition(s):—

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

*2. ..... Insert here any other condition imposed by the buildings authority.

.....

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 as amended by the Building (Scotland) Act 1970 has been incorporated in an application for warrant under that Act, this form of permission may be combined as appropriate with Form 7 or 8.

FORM 17

APPLICATION FOR CERTIFICATE OF COMPLETION

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

I/We ..... Insert here full name(s) and address(es) of applicant(s).
.....
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..... Insert here address of building.
.....
which works were—
completed on.....; and
carried out in accordance with the warrant granted on
..... Insert here date of warrant and of any amendment thereof.
.....
in conformity with the relative plans and specifications in accordance with the Building Standards (Scotland) (Consolidation) Regulations 1970 [as relaxed by a direction given on.....by the Secretary of State or the buildings authority under section 4 of that Act as substituted by section 2(1) of the Building (Scotland) Act 1970]*, [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].*

Signature of applicant or agent.....

Date.....

*Delete as appropriate.

FORM 18

CERTIFICATE OF COMPLETION

BUILDING (SCOTLAND) ACTS 1959 AND 1970

In exercise of the powers conferred upon them by section 9 of the Building (Scotland) Act 1959 the [Dean of Guild Court of..... as]* buildings authority for the burgh/county/city* of..... hereby certify that they are satisfied that the erection/alteration/extension* of the building at.....

Insert here address of building.

.....

Insert date of warrant.

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

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

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

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

*Delete as appropriate.

FORM 19

CERTIFICATE OF COMPLIANCE OF ELECTRICAL INSTALLATION

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

I ..... Name and address of person granting certificate.

.....

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) (Consolidation) Regulations 1970 and of the warrant for the erection/alteration/extension* of the said building granted by the [Dean of Guild Court of.....as]* buildings authority for the burgh/county/city* of .....on.....

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

Signature.....

Profession.....

*Delete as appropriate.

Notes

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

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

"If any person, for the purpose of procuring the grant of a certificate of completion, grants or produces under 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."

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

"Any person guilty of an offence against this Act,.....

.....shall be liable on summary conviction to a fine not exceeding one hundred pounds; and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence is continued."

FORM 20

APPLICATION FOR AUTHORISATION OF TEMPORARY OCCUPATION/USE

BUILDING (SCOTLAND) ACTS 1959 AND 1970

To the Dean of Guild Court of as buildings authority* / buildings authority for the burgh/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) Act 1959 as amended by the Building (Scotland) Act 1970 to erect/alter/extend*

Insert here address of building.

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.

FORM 21

AUTHORISATION OF TEMPORARY OCCUPATION/USE

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

To .....

.....

The [Dean of Guild Court of.....as]* buildings authority for the burgh/county/city* of.....having received application for permission for/the extension of* the temporary occupation/use* of the

Insert here address of building.

building at.....

[which occupation/use* was authorised on.....]* in exercise of their powers under section 9(6) of the Building (Scotland) Act 1959, hereby grant/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.

FORM 22

REFERENCE OF REFUSED APPLICATION FOR CERTIFICATE OF COMPLETION TO BUILDINGS AUTHORITY

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

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 of.....
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.

FORM 23

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

Whereas it appears to me that the building at..... Insert here address of building. being a building of a class to which the Building Standards (Scotland) (Consolidation) Regulations 1970 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 of the Building (Scotland) Act 1959 as amended by the Building (Scotland)

Insert here period of not less than 21 days.

Act 1970 I hereby require you within a period of.....days ending on the.....day of....., 19.....—

[(*a*)] *to show cause to the [Dean of Guild Court of.....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) (Consolidation) Regulations 1970]*

[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 as amended by the Building (Scotland) Act 1970 provides:—

"

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

(*a*) where the direction applied for is given, at the end of the period of twenty-one days from the date of the giving of the direction;

(*b*) where the direction is refused by the Secretary of State, at the end of the period of twenty-one days from the date of the refusal to give the direction;

(*c*) where the direction is refused by the buildings authority or is granted by the authority subject to conditions—

(i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,

(ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-one days from the date on which the appeal is determined or abandoned;

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

(1B) If within the period specified in the notice mentioned in subsection (1) above (or, in a case falling within subsection (1A) above, that period as extended by virtue of that subsection) the person upon whom the notice has

been served fails to show cause to the satisfaction of the buildings authority why he should not be required to execute the operations specified in the notice, the buildings authority may order him within such period as may be specified in the order, being a period of not less than twenty-eight days from the date when the order becomes operative, to execute the operations aforesaid or such other operations for the same purpose as may be specified in the order.

(2) Subject to the provisions of section seventeen of this Act, if on the expiration of the period specified in the order mentioned in subsection (1B) above the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the 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."

FORM 24

ORDER UNDER SECTION 10 REQUIRING EXECUTION OF OPERATIONS ON A BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

.....

.....

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

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

served notice on you under section 10 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 as.....

.....

in respect of the building at..... Insert here address of building.

.....

And Whereas the said notice required you to show cause within the period ending on the.....day of.....19 , why you should not be required to execute the operations specified therein, being operations [for the removal of the said building]* [necessary to make the said building conform to the Building Standards (Scotland) (Consolidation) Regulations 1970]*;

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 the said section 10(1) as amended hereby order you to execute the operations specified in the Schedule hereto, being [operations for the same purpose as]* the operations aforesaid,

Insert here period of not less than 28 days.

within a period of.....days from the date on which this Order becomes operative under section 16(4) of the Building (Scotland) Act 1959.

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 as amended by the Building (Scotland) Act 1970 provides:—

"(1) Any person aggrieved by—.....

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

.....

may (except as provided in Section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after the date of..... the making of the order, 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 as amended 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 subsection (1B) above the person against whom the order has been made has not complied therewith, he shall be guilty of an offence against this Act, and the 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."

FORM 25

NOTICE UNDER SECTION 11 REQUIRING OWNER TO SHOW CAUSE WHY BUILDING SHOULD NOT CONFORM TO BUILDING STANDARDS (SCOTLAND) (CONSOLIDATION) REGULATIONS 1970

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

To .....

.....

Insert here address of building.

Whereas the building at.....owned by you, being a building of a class to which the Building Standards (Scotland) (Consolidation) Regulations 1970 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 satsified 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) (Consolidation) Regulations 1970 is/are*

.....

.....

.....

*Delete as appropriate.

Note

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

Section 11 of the Building (Scotland) Act 1959 as amended by the Building (Scotland) Act 1970 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 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

(*a*) where the direction applied for is given, at the end of the period of twenty-eight days from the date of the giving of the direction;

(*b*) where the direction is refused by the Secretary of State, at the end of the period of twenty-eight days from the date of the refusal to give the direction;

(*c*) where the direction is refused by the buildings authority or is granted by the buildings authority subject to conditions—

(i) if no appeal is made within the period within which an appeal can be made to the Secretary of State under section 4A of this Act, at the end of that period,

(ii) if an appeal is made to the Secretary of State under the said section 4A, at the end of the period of twenty-eight days from the date on which the appeal is determined or abandoned;

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

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

.....

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

FORM 26

ORDER UNDER SECTION 11 TO MAKE BUILDING CONFORM TO BUILDING STANDARDS (SCOTLAND) (CONSOLIDATION) REGULATIONS 1970

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

Whereas on the.....day of.....19 , the..... Insert here name of local authority.
of....., as local authority under the Building (Scotland) Act 1959 for the burgh/county/city* of....., served notice on you, under section 11(2) of the Building (Scotland) Act 1959 as owner(s) of the building at.....; Insert here address of building.

Insert here date on notice.

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) (Consolidation) Regulations 1970, specified in the Schedule hereto;

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

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

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 as amended by the Building (Scotland) Act 1970 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 as amended by the Building (Scotland) Act 1970 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 (except as provided in section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after the date of..... the making of the order.....

. . . . . .

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

....."

3/5. The Notes 3 to 5 appended to this Form should be the same as the Notes 3 to 5 appended to Form 24.

FORM 27

NOTICE REQUIRING OPERATIONS TO BE EXECUTED ON A DANGEROUS BUILDING

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

To .....

.....

Insert here address of building.

Whereas it appears to 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

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

(*b*) complete to my satisfaction within the period ending on the.....

.....day of.....19.....

the operations specified in the Schedule hereto being operations for the repair, securing or demolition of the building which are in 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."

FORM 28

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

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.
.....
.....

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

to execute within such period as the [Dean of Guild 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 owner(s) mentioned in paragraph 1 above 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 being the owner(s) of the building, every other affected proprietor and all other persons appearing to me to have an interest.

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

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

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

FORM 29

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

[The following notice should be attached to a copy of the application by the master of works as lodged with the buildings authority]

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

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

Insert here address of building.

1. You are hereby served with the foregoing application for an order requiring operations to be executed on a building at.....
.....which application is about to be lodged with the [Dean of Guild Court of.....
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.....

Insert here date of making the application.

within 7 days from the.....object to the granting of 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, 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 52 of the Building (Procedure) (Scotland) Regulations 1971 provides as follows:—

"*Orders relating to dangerous buildings*

52.—(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*) every other affected proprietor, and

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

(2) At any time before the expiry of the 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, 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 that he has not complied with the provisions of 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 paragraph (2) of this regulation,

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 buildings authority to the owner the master of works and any other person appearing to the buildings 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."

FORM 30

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

Whereas the [Dean of Guild Court of.....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).

.....

.....

Insert here address of building.

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

.....

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 of.....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 of.....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.....

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

.....from the date on which this Order becomes operative under section 16(4) of the said Act.

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 as amended by the Building (Scotland) Act 1970 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 (except as provided in section 6B(2) of this Act) appeal to the sheriff by giving notice of appeal within twenty-one days after.....the making of the order,

. . . . . .

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

....."

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

"....."

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

. . . . . .

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

....."

FORM 31

AUTHORITY TO ENTER PREMISES (SECTION 18(1)—BUILDING (SCOTLAND) ACT 1959)

BUILDING (SCOTLAND) ACTS 1959 AND 1970

In exercise of the powers conferred on the [master of works] [(Dean of Guild Court of.....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 of the said Act of 1959 as amended by the said Act of 1970 or warrants under section 6 of the Building (Scotland) Act 1959 as substituted by section 2(1) of the Building (Scotland) Act 1970, 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 them 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."

FORM 32

AUTHORITY TO ENTER PREMISES (SECTION 18(2)—BUILDING (SCOTLAND) ACT 1959)

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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 as amended by the Building (Scotland) Act 1970 or

(*b*) executing any operations authorised under section 10, section 11 or section 13 of the said Act as amended 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 31.

FORM 33

NOTICE OF INTENTION TO ENTER PREMISES

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

Insert here date.

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

Dated this.....day of.....19.....
(Signed).....
.....
(Designation)
Official address.....
.....
.....

*Delete as appropriate.

Notes

1/2. The Notes 1 and 2 appended to this Form should be the same as the Notes 1 and 2 appended to Form 31.

FORM 34

CHARGING ORDER

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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 said.....
.....of an annuity of.....
.....Sterling, payable on the .....
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 loca authority.

Insert here name of local authority.

Insert here in words the amount of the annuity.

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

†Signed on behalf of the said.....this
day of.....19.....
.....
Clerk to the local authority.

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

SCHEDULE

*Description of Subjects	Name and Designation of Owner	County

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

FORM 35

NOTICE TO REMOVE FROM DANGEROUS BUILDING OR BUILDING ADJACENT THERETO

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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

Insert here name and address of occupant required to remove.

Whereas it appears to 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 purpose of securing the removal—

(*a*) from a building, of any occupant who, on being required under paragraph (*a*) of subsection (1) of this section to remove from the building in the circumstances mentioned in that subsection, fails to do so; and

(*b*) from a building which is the subject of an order under this section requiring it to be demolished, of the occupants thereof."

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

"1. For the purpose of securing the removal of any occupants from a building in the circumstances referred to in subsection (6) of section 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.

....."

FORM 36

CERTIFICATE THAT BUILDING IS A SOURCE OF IMMEDIATE DANGER

BUILDING (SCOTLAND) ACTS 1959 AND 1970

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*) the building at..... is a source of immediate danger; — Insert here address of building.

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

.....

the building(s) adjacent to the said building]*.

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

.....

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

*Delete as appropriate.

FORM 37

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

BUILDING (SCOTLAND) ACTS 1959 AND 1970

In exercise of the powers conferred on 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 of..... .....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..... ..... to be demolished;

Insert here address of building.

(*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.*)

These Regulations which are made under section 24 of the Building (Scotland) Act 1959, revoke and re-enact with certain amendments the Building (Forms) (Scotland) Regulations 1964 and prescribe the forms in which Applications, Warrants, Directions, Notices, Orders and other documents should be made under the provisions of the Building (Scotland) Acts 1959 and 1970, including those required as a result of the new functions imposed upon the Secretary of State and buildings authorities by the Building (Scotland) Act 1970 (c. 38).