SCOTTISH STATUTORY INSTRUMENTS

2004 No. 404 (C. 27)

BUILDING AND BUILDINGS

The Building (Scotland) Act 2003 (Commencement No. 1, Transitional Provisions and Savings) Order 2004

Made - - - - 21st September 2004

The Scottish Ministers, in exercise of the powers conferred by sections 54(2) and 59(1) of the Building (Scotland) Act 2003(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Building (Scotland) Act 2003 (Commencement No. 1, Transitional Provisions and Savings) Order 2004.

(2) In this Order–

"the 2003 Act" means the Building (Scotland) Act 2003; and

"the 1959 Act" means the Building (Scotland) Act 1959(**2**).

Appointed days

2.—(1) All the provisions of the 2003 Act, so far as not then in force, shall come into force, for all purposes, on 1st May 2005 except sections 6 and 53.

(2) The provisions of the 2003 Act specified in column 1 of Schedule I to this Order (and the subject matter of which is described in column 2 of that Schedule) shall come into force on 22nd September 2004 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

(3) The provisions of the 2003 Act specified in column 1 of Schedule 2 to this Order (and the subject matter of which is described in column 2 of that Schedule) shall come into force on 4th November 2004 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

(4) The provisions of the 2003 Act specified in column 1 of Schedule 3 to this Order (and the subject matter of which is described in column 2 of that Schedule) shall come into force on 1st January 2005 but, where a particular purpose is specified in relation to any provision in column 3 of that Schedule, that provision shall come into force on that day only for that purpose.

(**1**) 2003 asp 8.
(**2**) 7& 8 Eliz. c.24.

Transitional provisions

3. Notwithstanding the commencement of section 31 of the 2003 Act on 1st January 2005, that section shall, during the period beginning with 1st January 2005 and ending immediately before 1st May 2005, have effect as if the references in that section to the functions of the Scottish Ministers under the 2003 Act were references to the functions of the Scottish Ministers under Part 2 of the 1959 Act.

Savings

4.—(1) Notwithstanding the repeal of the 1959 Act, that Act and the regulations made under that Act shall continue to apply, on and after 1st May 2005, as they applied immediately before that date, in the cases to which paragraphs (2), (3) and (4) apply.

(2) This paragraph applies to–

(a) an application for a warrant for work which was made before 1st May 2005; and

(b) an application for the extension of the period of validity or for the amendment of the terms of such a warrant (whenever granted),

but the period of validity of any such warrant (including any extended period approved by a local authority) shall not exceed five years.

(3) This paragraph applies to any application, appeal, reference or other procedure which has begun but has not been determined prior to 1st May 2005.

(4) Subject to paragraph (5), this paragraph applies to the construction of any small buildings or garages of 8 to 30 square metres and to the construction of replacement windows, the contract for which was entered into prior to 1st May 2005.

(5) Paragraph (4) applies only to a case where the relevant construction is commenced on or before 1st June 2005, and is completed on or before 2nd September 2005.

St Andrew's House, Edinburgh
21st September 2004

MARY MULLIGAN
Authorised to sign by the Scottish Ministers