



Midlothian Council  
 Building Standards  
 Fairfield House  
 8 Lothian Road  
 Dalkeith EH22 3ZN  
 Tel 0131 270 7500  
 Fax 0131 271 3537

For Office Use
Ref no.....
Fee .....
Date paid .....
Receipt no .....
Certificates of Design
.....
.....

# Application for Temporary Occupation or Use

Building (Scotland) Act 2003

## Application under section 21 for permission to occupy or use a building prior to the acceptance of a completion certificate for that building

Please refer to the accompanying Guidance Notes when completing this form.

You can submit an Application for Temporary Occupation or Use on-line through the [eBuilding Standards portal](#).

### 1 Applicant

Name.....  
 Address.....  
 .....  
 .....  
 Post code.....  
 Tel no..... Fax no.....  
 Email.....

### 2 Duly authorised agent (if any)

Name.....  
 Address.....  
 .....  
 .....  
 Post code.....  
 Tel no..... Fax no.....  
 Email.....

### 3 Location of building or site to which the application relates

Address .....

.....

Post code.....

### 4 Details of building warrant

Date of building warrant (and any amendments)  
 .....

Reference number of building warrant .....

### 5 Extent of occupation or use

Is whole building to be occupied or used?  
 YES  NO

If NO, please state part of building to be occupied or used:  
 .....

### 6 Previous applications

Has a previous application for temporary occupation or use been granted?

YES  NO

If YES, please give details:

Date authorisation given.....  
 Date authorisation expires.....

### 7 Length of temporary occupation or use

Period of temporary occupation or use requested:  
 From (date).....  
 To (date).....

### 8 Reasons for application

Please state why you wish the above building to be temporarily occupied or used before a completion certificate has been submitted and accepted.

.....

.....

### 9 Declaration

I/We\* apply for temporary occupation or use of the building in accordance with the details supplied above and with any necessary accompanying information.

This declaration confirms that in the case of work for the construction of a building, the building as constructed complies with the building regulations; that in the case of the provision of services, fittings or equipment in or in connection with a building that the services, fittings or equipment provided comply with building regulations; and in the case of conversion of a building that the building as converted complies with building regulations.

[and when the provisions of building regulations apply]  
 I enclose a copy of the energy performance certificate(s) for the buildings.

I enclose a copy of the statement of sustainability issued for the purpose of regulation 9 of section 7 of schedule 5 to the Building (Scotland) Regulations 2004.

Signed.....  
 Applicant\*/duly authorised agent\*  
 (\*Delete as appropriate)  
 Dated.....

## **NOTES**

1. Where the address has been amended since the building warrant was granted, or where the submission covers only part of a building warrant (for example is for one house in a development of several dwellings that were subject to a single warrant) an address identifying the work covered by the submission must be supplied.
2. The person signing this form is declaring compliance with building regulations by signing the application for a temporary occupation or use. The verifier will undertake reasonable inquiry, considering mitigation measures, and if satisfied will permit temporary occupation or use.

## **WARNING**

This permission does not exempt you from obtaining any other types of permission that may be necessary before the building is used, such as planning permission or licensing.

This application does not permit the occupation or use of a building following construction or conversion. It is an offence to occupy or use such a building until the verifier permits temporary occupation or use of the building, during the period specified.

Should a completion certificate not be accepted by a verifier within the specified period, an application should be made for [a] further period[s] of temporary occupation or use.

If any person submits an application for temporary occupation or use which that person knows to be false or misleading in a material particular or recklessly makes an application for temporary occupation or use containing a statement which is false or misleading in a material particular the person is guilty of an offence.

## **ADDRESS TO WHICH YOU SHOULD SEND THIS APPLICATION**

Building Standards Manager,  
Midlothian Council,  
Fairfield House,  
8 Lothian Road,  
Dalkeith,  
Midlothian  
EH22 3ZN

## **DATA PROTECTION ACT 2018**

For information on how your personal data is used by Building Standards visit our data protection page [here](#).