

*These notes relate to the Building (Scotland) Act 2003
(asp 8) which received Royal Assent on 26 March 2003*

BUILDING (SCOTLAND) ACT 2003

EXPLANATORY NOTES

BACKGROUND

3. The Act sets out the framework for a new building standards (formerly building control) system in Scotland.

EC Construction Products Directive

4. Directive [89/106/EEC](#) of the Council of the EC of 21 December 1988 established a framework for market harmonisation in construction products within the European Union. This framework was implemented in the United Kingdom by the Construction Products Regulations 1991.
5. The Directive as implemented in UK legislation by the 1991 Regulations requires that technical specifications set in the UK make use of harmonised standards issued by Europe. This means in Scotland that where building regulations cite a British Standard for a construction product or test method, it will have to be replaced by one or more European standards when they are produced. The provisions which make it easier for the Scottish Ministers to comply with these requirements are described below in relation to section 1.

Building standards system

6. The Act replaces the Building (Scotland) Act 1959 (the 1959 Act), which deals in the main with the setting of building standards, compliance with and enforcement of those standards and powers in relation to dangerous buildings. The standards themselves are prescribed in regulations, supported by technical standards for compliance with these regulations.