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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 209**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2012**

*Made* - - - - 26th June 2012  
*Laid before the Scottish Parliament* - - - - 28th June 2012  
*Coming into force* - - 9th January 2013

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1, 2 and 54(2) of the Building (Scotland) Act 2003<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 1(2) of that Act they have consulted with such persons as appear to them to be representative of the interests concerned.

**Citation and commencement**

1. These Regulations may be cited as the Building (Scotland) Amendment Regulations 2012 and come into force on 9th January 2013.

**Amendment of the Building (Scotland) Regulations 2004**

2.—(1) The Building (Scotland) Regulations 2004<sup>(2)</sup> are amended in accordance with paragraphs (2) and (3).

(2) For regulation 17(1)(b) (continuing requirements) substitute—

“(b) following each inspection of that system the owner of the building or, where the owner is not the occupier, the occupier is given a report containing the result of the inspection and including recommendations for the cost-effective improvement of the energy performance of that system.”.

(3) In Schedule 5 (building standards applicable to design and construction) in the limitation to the standard contained in paragraph 6.9 (energy performance certificates), for sub-paragraph (b) substitute—

“(b) Standard 6.9(c) only applies to buildings—

(i) with a floor area of more than 500 square metres;

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(1) 2003 asp 8, section 1 was amended by section 6(2)(a) of the [Public Services Reform \(Scotland\) Act 2010](#) (asp 8).

(2) S.S.I. 2004/406 amended by S.S.I. 2006/534, 2007/166, 2008/310 and 2011/120.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (ii) into which members of the public have an express or implied licence to enter; and
- (iii) which are visited by members of the public on at least a weekly basis.”.

St Andrew’s House,  
Edinburgh  
26th June 2012

*DEREK MACKAY*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Building (Scotland) Regulations 2004 (“the 2004 Regulations”). The amendments implement in part the requirements of Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings (OJ L 153, 18.06.2010 p.13).

Regulation 2(2) amends regulation 17 of the 2004 Regulations to require an inspection report including recommendations for cost-effective improvements to be provided following inspections of air conditioning systems.

Regulation 2(3) amends the limitation to standard 6.9(c) of Schedule 5 to provide that this standard will only apply to certain public buildings with a floor area greater than 500 square metres.