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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 70**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2016**

*Made* - - - - 2nd February 2016  
*Laid before the Scottish*  
*Parliament* - - - - 4th February 2016  
*Coming into force* - - 1st July 2016

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

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

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Building (Scotland) Amendment Regulations 2016 and come into force on 1st July 2016.

(2) These Regulations apply to building work in respect of which an application for a building warrant is made to a verifier after 31st December 2016.

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

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

(2) In Schedule 5 (building standards applicable to design and construction)(4), after paragraph 4.13 (security)(5) insert—

**“4.14. In-building physical infrastructure for high-speed electronic communications networks**

Every building and building unit must be designed and constructed in such a way that—

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- (1) [2003 asp 8](#). Section 24 was relevantly amended by paragraph 22 of schedule 6 to the Housing (Scotland) Act 2006 ([asp 1](#)) and section 89(1)(b) of the Housing (Scotland) Act 2014 ([asp 14](#)).
- (2) Section 1(2) was amended by section 6(2) of the Public Services Reform (Scotland) Act 2010 ([asp 8](#)).
- (3) [S.S.I. 2004/406](#).
- (4) Schedule 5 was substituted by [S.S.I. 2006/534](#).
- (5) Paragraph 4.13 was inserted by [S.S.I. 2010/32](#).

- (a) a high-speed ready in-building physical infrastructure up to a network termination point for high-speed electronic communications network is provided; and
- (b) in the case of a building which contains more than one building unit, a common access point for high-speed electronic communications networks is provided.

### **Limitation**

This standard does not apply to—

- (a) alterations or extensions to buildings that do not include major renovation works; or
- (b) buildings having an area not exceeding 30 square metres, ancillary to and within the curtilage of a dwelling.

Interpretation of this standard

In this standard—

“access point” means a physical point, located inside or outside the building, accessible to undertakings providing or authorised to provide public communications networks, where connection to the high-speed ready in-building physical infrastructure is made available;

“building unit” means a part of a building which is designed or altered to be used separately;

“high-speed electronic communications network” means an electronic communications network which is capable of delivering broadband access services at speeds of at least 30 Mbps;

“high-speed ready in-building physical infrastructure” means in-building physical infrastructure intended to host elements, or enable delivery, of high-speed electronic communications networks;

“in-building physical infrastructure” means physical infrastructure or installations at the end-user’s location, including elements under joint ownership, intended to host wired or wireless access networks, where such access networks are capable of delivering electronic communications services and connecting the building access point with the network termination point;

“major renovation works” means works at the end-user’s location encompassing structural modifications of the entire in-building physical infrastructure, or of a significant part of it; and

“network termination point” means a physical point located inside or outside the building at which an occupier is provided with access to high-speed electronic communications networks.”

(3) In Schedule 6 (building standards applicable to conversions)(6), in paragraph 2(d) after “4.10” insert “, 4.14”.

St Andrew’s House,  
Edinburgh  
2nd February 2016

*MARCO BIAGI*  
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”).

Regulation 2 amends Schedule 5 to the 2004 Regulations with effect from 1st July 2016 to insert new standard 4.14 which requires physical infrastructure for high speed electronic communications networks to be provided with regard to the construction of buildings and the carrying out of major renovation works to buildings, in implementation of Article 8 of [Directive 2014/61/EU](#) of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (OJ L 155, 23.5.2014 p.1).

The new standard applies to building work in respect of which an application for a building warrant is made after 31st December 2016.

A Business and Regulatory Impact Assessment and transposition note have been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Building Standards Division, Directorate for Local Government and Communities, Ground Floor, Denholm House, Almondvale Business Park, Almondvale Way, Livingston, West Lothian, EH54 6GA and online at: <http://www.gov.scot.bsd>.