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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 40**

**BUILDING AND BUILDINGS**

**The Building Standards (Scotland) Amendment  
Regulations 2001 Amendment Regulations 2002**

*Made* - - - - 4th February 2002  
*Laid before the Scottish  
Parliament* - - - - 6th February 2002  
*Coming into force* - - 3rd March 2002

The Scottish Ministers, in exercise of the powers conferred by sections 3, 24(1)(b) and 29(1) of, and Schedule 4 to, the Building (Scotland) Act 1959<sup>(1)</sup> and of all other powers enabling them in that behalf and, as required by section 3(6) of that Act<sup>(2)</sup>, having consulted the Building Standards Advisory Committee and such other bodies as appear to them to be representative of the interests concerned, hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Building Standards (Scotland) Amendment Regulations 2001 Amendment Regulations 2002 and shall come into force on 3rd March 2002.

**Amendment of Building Standards (Scotland) Amendment Regulations 2001**

2. After regulation 3 (transitional provisions) of the Building Standards (Scotland) Amendment Regulations 2001<sup>(3)</sup> there shall be inserted the following regulation:—

“4. In relation to the construction of a conservatory, the contract for which was entered into prior to the date of the coming into force of these Regulations, the building standards regulations applicable to the conservatory shall be those in force at the time the contract was entered into and any reference in the Building (Scotland) Act 1959 to building standards regulations shall be construed accordingly, notwithstanding that the construction is carried out on or after the date of the coming into force of these Regulations.

Provided that this regulation shall only apply where construction is commenced on or before 31st May 2002 and completed on or before 1st July 2002.”.

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(1) 1959 c. 24; section 3(2) and (3) was amended by the Health and Safety at Work etc. Act 1974 (c. 37) (“the 1974 Act”), Schedule 7, paragraph 1(a) and (b) respectively; section 3(4) was amended by the Housing (Scotland) Act 1986 (c. 65), section 19(2); section 3(7) was inserted by the 1974 Act, Schedule 7, paragraph 1(c); section 29(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46); see also the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999 (S.I.1999/1820), Schedule 2, paragraph 29.

(2) Section 3(6) was substituted by the Building (Scotland) Act 1970 (c. 38), section 1.

(3) S.S.I.2001/320.

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**Status:** This is the original version (as it was originally made). Scottish  
Statutory Instruments are not carried in their revised form on this site.

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St Andrew's House, Edinburgh  
4th February 2002

*IAIN GRAY*  
A member of the Scottish Executive

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## **EXPLANATORY NOTE**

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

These Regulations make amendments to the transitional provisions of the Building Standards (Scotland) Amendment Regulations 2001 (“the 2001 Regulations”). They provide that the 2001 Regulations shall not apply to conservatories where the contract has been entered into before those Regulations come into force on 4th March 2002 providing that the construction work begins on or before 31st May 2002 and is completed on or before 1st July 2002.