

2007 No. 167

BUILDING AND BUILDINGS

**The Building (Procedure) (Scotland) Amendment
Regulations 2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>6th March 2007</i>
<i>Coming into force</i> - -	<i>1st May 2007</i>

The Scottish Ministers in exercise of the powers conferred by section 33 and 54(2) of the Building (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the Building (Procedure) (Scotland) Amendment Regulations 2007 and shall come into force on 1st May 2007.

Amendment of Regulations

2. The Building (Procedure) (Scotland) Regulations 2004(b) are amended in accordance with regulations 3 to 9.

3. In regulation 41 (submission of completion certificates)–

- (a) omit the word “and” following paragraph (a)(ii)(dd);
- (b) omit paragraph (a)(ii)(ee);
- (c) omit the word “and” following paragraph (b)(iii); and
- (d) after paragraph (b) insert–

“(bb) in the case where the provisions of the building regulations require an energy performance certificate, a copy of that certificate; and”.

4. In regulation 42 (completion certificates – multiple buildings)–

- (a) in paragraph (1)(b) at the beginning insert “subject to paragraph (3),”; and
- (b) after paragraph (2) insert–

“(3) In the case of work to existing dwellings in the same ownership, a single completion certificate may be submitted.”.

5. In regulation 44(2) (consideration of completion certificate) for “regulation 9(1)(ii)” substitute “regulation 9(1)(b).”

(a) 2003 asp 8.
(b) S.S.I. 2004/428.

6. In regulation 46(a) (documents and information to be sent) for “regulation 42(1)(b)” substitute “regulation 41(b)(ii)”.

7. In regulation 57 (maintenance of records) for sub-paragraphs (a) and (b) of paragraph (2) substitute—

- “(a) Part I which shall be in electronic form and shall consist of—
- (i) a list of applications and submissions and the decisions thereon;
 - (ii) particulars of any energy performance certificates;
 - (iii) particulars of any certificates from approved certifiers;
 - (iv) particulars of notices served under sections 25 to 30 of the Act when issued, altered or withdrawn; and
 - (v) all other particulars of other documents submitted to the local authority for registration in the building standards register; and
- (b) Part II which shall consist of copies of—
- (i) building warrants;
 - (ii) completion certificates;
 - (iii) any energy performance certificates;
 - (iv) any certificates from approved certifiers submitted in support of building warrants or completion certificates;
 - (v) principal drawings and specifications; and
 - (vi) all other documents submitted to the local authority for registration in the building standards register.”.

8. In regulation 58 (inspection of records and applications)—

- (a) in paragraph (3) for “and” substitute “or”;
- (b) in paragraph (4) for “to cases” substitute “where the relevant building is a non-residential building”; and
- (c) in paragraph (5)—
 - (i) after “prospective” insert “owner, occupier or”; and
 - (ii) at the end insert “of the relevant building or an adjoining building”.

9. In regulation 59 (notices regarding work) in paragraph (4) for “(a) and (b)” substitute “(b) and (c)”.

RHONA BRANKIN
A member of the Scottish Executive

St Andrew’s House,
Edinburgh
6th March 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Procedure) (Scotland) Regulations 2004.

The Regulations implement changes required to the information to be produced in relation to implementation of Council Directive 2002/91/EC on the Energy Performance of Buildings (O.J. L 237, 22.9.03, p28) (regulations 3 and 7). Otherwise, the amendments are in respect of certain aspects of procedure in relation to multiple buildings (regulation 4) and extending the type of person who can access the Building Standards Register (regulation 8).

In respect of the changes made by regulations 3, 4 and 7 these will only apply to submissions made or documents submitted on or after 1st May 2007.

In respect of the change made by regulation 8 this will only apply to inspections made on or after 1st May 2007.