

## **EXECUTIVE NOTE**

### **The Building (Forms) (Scotland) Amendment Regulations 2007 S.S.I. 2007/168**

The above instrument was made in exercise of the powers conferred by section 36 of the Building (Scotland) Act 2003. The instrument is subject to negative resolution procedure.

#### **Background**

The Building (Forms) (Scotland) Regulations 2005 set out the forms that are prescribed for the purposes of section 36 of the Act. This amendment is required to implement the EC Directive on the Energy Performance of Buildings (EU Directive 2002/91/EC).

#### **Policy Objectives**

The Building (Forms) (Scotland) Regulations 2005 (the Regulations) are an essential part of the building standards system which was introduced by the Building (Scotland) Act 2003. The Regulations introduced 16 prescribed forms of which only 2 are application forms, the others being warrants, standard notices and certificates to be issued by local authorities.

The Regulations fully complement the Building (Scotland) Regulations 2004 which prescribe standards for buildings; the Building (Procedure) (Scotland) Regulations 2004 which set the administrative structure for the new building standards system in Scotland; and the Building (Fees) (Scotland) Regulations 2004 which set the fees structure for the new system.

Amending Regulations are required as a result of the requirements of the EC Directive on the Energy Performance of Buildings (EU Directive 2002/91/EC) which requires an energy performance certificate to be produced for certain buildings. The Building (Procedure) (Scotland) Regulations 2004 require a copy of the energy performance certificate to be provided with the completion certificate submission.

#### **Consultation**

The need to provide energy performance certificates is a requirement of Section 6 (Energy) of The Building (Scotland) Amendment Regulations 2006, which were the subject of extensive public consultation (over 500 organisations and interested parties) between 1 March and 26 May 2006 and the process of making changes to building regulations included consultation with a significant number of organisations representative of all professional interests within the construction industry. We have ensured that consultation has taken place with all relevant professional organisations/institutes, construction research bodies, designers, housebuilders, technical specialists and those responsible for the administration of the building standards system.

Main consultees included:

Building Research Establishment (BRE) Scotland  
Building Standards Advisory Committee  
Chartered Institute of Architectural Technologists  
Energy Action Scotland  
Friends of the Earth Scotland

Homes for Scotland  
Inclusion Scotland  
Institution of Structural Engineers  
National House-Building Council  
Royal Incorporation of Architects in Scotland  
Royal Institution of Chartered Surveyors in Scotland  
Scottish Association of Building Standards Managers  
Scottish Building  
Scottish Consumer Council  
Scottish Disability Equality Forum  
Scottish Local Authorities  
Scottish Renewables Forum

### **Financial Effects**

The instrument should have no financial effects on local government or on business.