
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 117

BUILDING AND BUILDINGS

**The Building (Procedure) (Scotland)
Amendment Regulations 2009**

Made - - - - 20th March 2009
*Laid before the Scottish
Parliament* - - - - 23rd March 2009
Coming into force - - 1st May 2009

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 24(2), 33 and 54(2) of the Building (Scotland) Act 2003⁽¹⁾ and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Building (Procedure) (Scotland) Amendment Regulations 2009 and come into force on 1st May 2009.

Amendment of Regulations

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

(2) In regulation 2 (interpretation) for the definition of “fire authority” substitute—

““fire authority” means—

- (a) an enforcing authority within the meaning of section 61(9) of the Fire (Scotland) Act 2005⁽³⁾;
- (b) a fire and rescue authority as defined in section 1 of that Act; or
- (c) a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

(3) In regulation 58 (inspection of records and applications)—

- (a) in paragraph (3) omit “for inspection in terms of paragraph (1) or”;
- (b) in paragraph (4)—

(1) 2003 asp 8.

(2) S.S.I.2004/428 as amended by S.S.I. 2005/344 and S.S.I. 2007/167.

(3) 2005 asp 5. Section 61(9) was amended by S.I.2005/2060 and S.I. 2007/320.

- (i) for “where disclosure or” substitute, “, a prison, a building where a person may be legally detained or otherwise legally held in custody, the Scottish Parliament or a building belonging to Her Majesty in right of Her private estates where”; and
- (ii) for “that disclosure or copying” substitute “that copying”;
- (c) in paragraph (5) after “applies” insert “where paragraph (4) does not apply and”; and
- (d) after paragraph (5) insert–
 - “(6) A local authority may remove a document from the building standards register if the disclosure or copying of that document would raise security concerns.”.

St Andrew’s House, Edinburgh
20th March 2009

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Building (Procedure) (Scotland) Regulations 2004 and come into force on 1st May 2009.

The definition of “fire authority” is amended in regulation 2 of the 2004 Regulations (interpretation) to include “enforcing authorities” under section 61(9) of the Fire (Scotland) Act 2005.

Regulation 58 (inspection of records and applications) is amended to prevent the disclosure of information held on the Building Standards Register that relates to prisons (and similar buildings such as police cells and court custody suites), the Scottish Parliament or property owned by Her Majesty in Her private capacity, where there are security concerns.