

**2013 No. 143**

**BUILDING AND BUILDINGS**

**The Building (Miscellaneous Amendments) (Scotland)  
Regulations 2013**

<i>Made</i>	- - - -	<i>9th May 2013</i>
<i>Laid before the Scottish Parliament</i>		<i>13th May 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1, 24, 33, 36 and 54 of the Building (Scotland) Act 2003<sup>(a)</sup> and all other powers enabling them to do so.

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

**Citation and commencement**

1. These Regulations may be cited as the Building (Miscellaneous Amendments) (Scotland) Regulations 2013 and come into force on 1st October 2013.

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

2.—(1) The Building (Scotland) Regulations 2004<sup>(c)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 5 (building standards applicable to design and construction)—

- (a) at the end of paragraph (e) of the limitation to the standard contained in paragraph 2.15 (automatic fire suppression systems: school buildings) insert “, other than a building forming part of an existing school or an extension to a school building where it is not reasonably practicable to install an automatic fire suppression system in that building or extension”;
- (b) in the limitation to the standard contained in paragraph 3.25 (solid waste storage) for “dwelling” substitute “flat or maisonette”;
- (c) after paragraph 3.26 (dungsteads and farm effluent tanks) insert—

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(a) 2003 asp 8. Section 24 was relevantly amended by paragraph 22 of Schedule 6 to the Housing (Scotland) Act 2006 (asp 1).  
(b) Section 1(2) was amended by section 6(2) of the Public Services Reform (Scotland) Act 2010 (asp 8).  
(c) S.S.I. 2004/406, as amended by S.S.I. 2006/534, 2008/310, 2009/119, 2010/32, 2011/120 and 211 and 2012/209.

### **“3.27 Water efficiency**

Every building must be designed and constructed in such a way that sanitary facilities with water efficient fittings which are designed for the prevention of undue consumption of water are installed.

#### **Limitation**

This standard applies only to dwellings.”; and

- (d) in paragraph 7.1 (statement of sustainability)—
  - (i) in sub-paragraph (a), after “dwelling” insert “or school building containing classrooms”;
  - (ii) in sub-paragraph (b), after “non-domestic building,” insert “other than a school building containing classrooms,”; and
  - (iii) in paragraph (a) of the limitation to the standard contained in paragraph 7.1 omit from “, other than” to the end.

(3) In Schedule 6 (building standards applicable to conversions)(a), in paragraph 1(b), after “3.26” insert “, 3.27”.

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

**3.**—(1) The Building (Procedure) (Scotland) Regulations 2004(b) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 2(1) (interpretation), after the definition of “fire authority” insert—

““fire safety design summary” means information relating to the design and construction of the building, and the services, fittings and equipment provided in or in connection with the building, which will assist in the operation and maintenance of the building for fire safety purposes;”.
- (3) In regulation 41(submission of completion certificates)—
  - (a) after paragraph (bb) omit “and”; and
  - (b) after paragraph (bc)(c)—
    - (i) omit “and”; and
    - (ii) insert—

“(bd) in the case where the completion certificate relates to the construction of, or conversion to, a new non-domestic building, a fire safety design summary; and”.
- (4) After regulation 57(2)(b)(ii) (maintenance of records) insert—

“(iia) fire safety design summaries;”.

### **Amendment of the Building (Forms) (Scotland) Regulations 2005**

**4.** In the Schedule to the Building (Forms) (Scotland) Regulations 2005(d), in the declarations in form 5 (completion certificate – submission) and form 6 (completion certificate where no building warrant obtained – submission), after “I enclose a copy of the statement of sustainability issued for the purpose of regulation 9 of and section 7 of Schedule 5 to the Building (Scotland) Regulations 2004.” insert—

“I enclose a fire safety design summary submitted in accordance with regulation 41(bd) of the Building (Procedure) (Scotland) Regulations 2004.”.

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(a) Schedule 6 was substituted by S.S.I. 2006/534. There are amendments not relevant to this instrument.  
(b) S.S.I. 2004/428 as amended by S.I. 2005/344 and S.S.I. 2007/167, 2009/117, 2011/120 and 2013/119.  
(c) Regulation 41(bc) was inserted by S.S.I. 2011/120.  
(d) S.S.I. 2005/172 as amended by S.S.I. 2006/163, 2007/168 and 2011/120.

### **Transitional provision**

**5.**—(1) The amendments made by these Regulations do not apply to work which, by virtue of regulation 5 of and Schedule 3 to the Building (Scotland) Regulations 2004, does not require a building warrant if that work is—

- (a) completed before 1st October 2013; or
- (b) not completed before that date and—
  - (i) the contract for the work is entered into before 1st October 2013; and
  - (ii) the work is completed before 31st January 2014.

St Andrew's House,  
Edinburgh  
9th May 2013

*DEREK MACKAY*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

These Regulations amend the Building (Scotland) Regulations 2004 (“the building regulations”), the Building (Procedure) (Scotland) Regulations 2004 (“the procedure regulations”) and the Building (Forms) (Scotland) Regulations 2005 (“the forms regulations”).

Regulation 2 amends Schedule 5 to the building regulations (building standards applicable to design and construction) to provide that—

- the obligation to install an automatic fire suppression system does not apply to new buildings forming part of, or an extension to, an existing school if it is not reasonably practicable to do so,
- the requirement regarding accommodation for solid waste storage applies only to flats and maisonettes,
- water efficiency fittings must be installed in dwellings, and
- school buildings containing classrooms have to meet specified levels of sustainability.

Regulation 2 also amends Schedule 6 to the building regulations so that the building standards regarding water efficiency fittings also apply to conversions.

Regulation 3 amends the procedure regulations to provide that fire safety design summaries must be provided with completion certificates relating to the construction of, or conversion to, a new non-domestic building and entered in the building standards register.

Regulation 4 amends the forms regulations so that the relevant forms refer to fire safety design summaries.

Regulation 5 contains transitional provision.

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