

**2015 No. 218**

**BUILDING AND BUILDINGS**

**The Building (Scotland) Amendment Regulations 2015**

*Made* - - - - - *27th May 2015*

*Laid before the Scottish Parliament* *29th May 2015*

*Coming into force in accordance with regulation 1(2) and (3)*

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

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

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Building (Scotland) Amendment Regulations 2015.

(2) These Regulations (other than regulations 3 and 4) come into force on 9th July 2015.

(3) Regulations 3 and 4 come into force on 1st October 2015.

**Amendment of the Building (Scotland) Regulations 2004 – 9th July 2015**

**2.**—(1) The Building (Scotland) Regulations 2004(c) are amended in accordance with paragraph (2).

(2) In Schedule 5 (building standards applicable to design and construction), in the limitation to the standard contained in paragraph 6.9 (energy performance certificates), in sub-paragraph (b)(i)(d) for “500” substitute “250”.

**Amendment of the Building (Scotland) Regulations 2004 – 1st October 2015**

**3.**—(1) The Building (Scotland) Regulations 2004 are amended in accordance with paragraph (2).

(2) In Schedule 5, in the limitation to the standard contained in paragraph 6.3 (heating system)(e) omit sub-paragraph (c) and “or” immediately preceding that sub-paragraph.

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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.  
(d) Sub-paragraph (b) was substituted by S.S.I. 2012/209.  
(e) Paragraph 6.3 was substituted by S.S.I. 2006/534.

**Transitional provision**

4. The amendments made by regulation 3 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 2015; or
- (b) not completed before that date and—
  - (i) the contract for the work is entered into before 1st October 2015; and
  - (ii) the work is completed before 31st January 2016.

St Andrew's House,  
Edinburgh  
27th May 2015

*MARCO BIAGI*  
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 2004 Regulations”).

Regulation 2 amends Schedule 5 to the 2004 Regulations with effect from 9th July 2015 to provide that standard 6.9 (which requires an energy performance certificate to be displayed in a prominent place within certain buildings) applies to public buildings with a floor area of more than 250 square metres, in implementation of Article 13 of Directive 2010/31/EU of the European Parliament and of the Council of 19th May 2010 on the energy performance of buildings (recast) (OJ L 153, 18.6.2010 p.13).

Regulation 3 amends Schedule 5 to the 2004 Regulations with effect from 1st October 2015 to remove paragraph (c) from the limitation to standard 6.3. This is subject to the transitional provisions in regulation 4.

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